

WRITTEN NARRATIVE

a) Description of Proposed Project

The proposed project includes both legislative actions and project approvals, as applicable to a 3.8 acre commercial property that the applicant owns. The applicant will submit materials separately for the legislative actions and the project approvals.

The requested legislative actions – General Plan Amendment, Zoning Text Amendment, and Zoning Map Amendment – would add housing and mixed use to the list of permitted uses on the property. Today, only commercial uses are allowed. The requested project approvals – Conditional Use Permit, including Design Review – would allow the applicant to develop a specific building on the property.

Description of the requested legislative actions:

General Plan Amendment: The current General Plan land use designation is CG-F1-d (General Commercial). The applicant proposes creating a new land use designation, “Mixed Use – Transit Center.”

Zoning Map Amendment: The current zoning is CG (General Commercial). The applicant proposes creating a new zoning designation, “Transit Center High Density Mixed Use.”

Zoning Text Amendment: The current text does not have “Transit Center” zoning designations. The applicant proposes to define “Transit Center High Density Mixed Use” as a zone with development standards tailored to urban and transit-oriented districts, as opposed to purely commercial or purely residential districts. Such standards would include a broader mix of allowable uses, higher densities, and greater building heights. Normal requirements for parking and open space would also be adapted to a more urban context and take into account the self-mitigating aspects (especially with respect to traffic, noise and air quality) of both synergies between the multiple uses as well as the proximity to transit.

Description of the requested project approvals:

Conditional Use Permit: The applicant requests approval to develop the property with a specific building, in a manner consistent with the City's vision as reflected in its proposed general plan and zoning standards.

Design Review: The applicant requests that the City conduct its standard review of building architecture, landscape architecture, site planning, and overall design.

Description of the proposed building:

The proposed building is a mixed-use development consisting of up to 440 units of rental housing over up to 10,000 square feet of retail space. The site is located at the southeast corner of Center Avenue and Gothard Street in Huntington Beach. The nearby land uses are retail, office, education, and transportation.

The proposed building has four levels of housing over three levels of parking. Half of the parking is below grade; half is above. At ground level, the street frontages have retail storefronts and live-work units that are convertible to retail in the future, if the demand for retail rises.

The proposed building offers an amenity package appropriate for a "luxury apartment community," which is expected to raise the ceiling on the apartment market in Huntington Beach. Such amenity package would typically include a pool, spa, fitness center, business center, conference room, and clubhouse.

The proposed building offers neighborhood-serving retail on the ground floor. The retail establishments will target the college community and the nearby residents. Potential retailers would be a convenience store, café, sandwich shop, cleaners, juice, and mailbox store.

Two driveways serve the garage. The Center Avenue driveway is the main entry for residents; the Gothard Street driveway is the main entrance for retail customers. Gates separate the residential parking from the retail parking.

A professional staff, with onsite offices and furnished models, would maintain and manage the building. The applicant expects the staff to keep the leasing office open during normal daytime business hours, 7 days a week, with after-hours emergency maintenance service available.

b) Reasons for Initiating this Application

The applicant is initiating the legislative actions because the current general plan and zoning designations of the property do not permit the mix of uses that the applicant proposes to develop. The applicant is initiating the project approvals because the applicant plans not only to "rezone the site," but also to proceed with actual redevelopment and construction after the legislative actions are approved.

This application serves the applicant's private interest by allowing the owner to upgrade a declining strip commercial center to a highly marketable housing-focused mixed-use building. The property would rise from an obsolescent use to its highest-and-best use, and the property value would increase. The adjacent redevelopment project area would benefit economically from any increase in nearby property values.

This application also serves the public interest, in the following ways:

1. It supports the creation of a "Place" and a "Town Center" consistent with the desirable goals discussed in the first four Beach/Edinger Specific Plan workshops.
2. It promotes jobs/housing balance by placing dense housing in the midst of retail, office, education, and transportation.
3. It replaces the visual blight of tired strip retail with the visual excitement of new, top-rate development.
4. It creates density where density is most beneficial and least impactful.
5. It multiplies the tax revenue stream contributed by this property to the City.

This project, overall, gives the City and the applicant a chance to demonstrate how the use-segregated development pattern in Orange County and much of suburban America can be successfully replaced with concentrated mixed-use development around transportation nodes and retail centers.

c) Description of Surrounding Uses

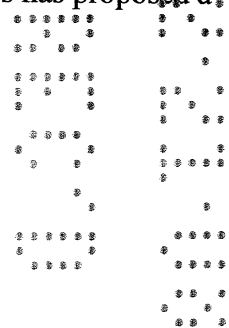
North:

To the North are a Southern California Edison distribution line tower and the OCTA Goldenwest Transportation Center (7301 Center Ave.), consisting of 10 bus docks and 115 parking stalls.

To the Northeast is Old World Village (7561 Center Ave.), a Bavarian-themed shopping, dining, and entertainment center, anchored by the Old World German Restaurant.

East:

To the East are a rail line and a defunct spur serving the adjacent Levitz facility. Also to the East is the vacant Montgomery Wards parcel, on which DJM Partners has proposed a mixed-use development.



South:

To the South are a neighborhood retail center (15851 Gothard St) and Levitz Furniture (7441 Edinger Ave). Levitz has approximately 230,000 sf of retail show room and distribution space and 331 parking stalls on 11.7 acres.

West:

To the West is Golden West College (15744 Goldenwest Street), an educational community of 14,000 people.

d) Description of Population Served by the project

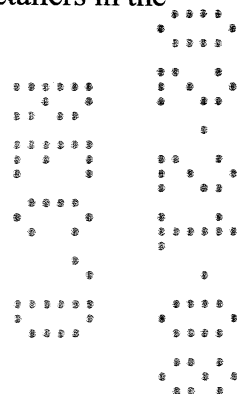
The residential portion of the project will serve three target populations:

- Young Professionals. Childless couples and singles that work in Huntington Beach, North Orange County, and South LA County. This target will thrive on the numerous amenities at Bella Terra, in the neighborhood, and at the project itself.
- Golden West People. Students, teachers, and administrators. This target will take advantage of the new, high-quality living option that was previously not available so close to the campus.
- Progressives. People who will seriously consider using transit for work and who will appreciate the green features of the project. This target will live here in order to make a lifestyle statement.

The retail portion of the project will serve two target populations:

- Golden West People. Again, these include students, teachers, and administrators. College-serving businesses, such as bookstores, copying centers, and internet cafes, will see the convenient project location as the best way to serve Golden West population without actually being on campus.
- Nearby Residents. These include people that already live near the site, as well as the future residents of the applicant's project and other new projects. This target can either walk, drive, or bike to the project retailers.

The Ripcurl itself will provide customers for Bella Terra and other retailers in the area.

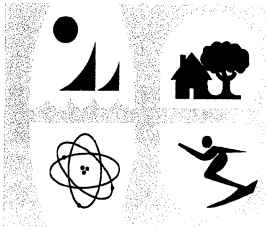


ZONING CONFORMANCE MATRIX

| | Required (1) | Proposed |
|---------------------------|--------------------------------------------------------|------------------------------------------------------------------|
| Minimum Parcel Size | None | 166,362 SF |
| Height | 75 feet | 60 feet - 70 feet |
| Density | 1 unit per 335 SF site area = 497 units | 440 units |
| FAR | 3.0 | 2.3 estimated |
| Front Setback | 5 feet | 15 feet |
| Side & Rear Yard Setbacks | 5 feet | 10 feet - 35 feet |
| Maximum Site Coverage | None | 72% estimated |
| Open Space | 15% of 301,098 (unit area) = 45,165 SF | |
| | Common: | 41,523 |
| | Private: | 22,000 |
| | Total: | 63,523 |
| Residential Parking | 0 - 1 bedroom: 1 space 2 or more bedrooms: 2 spaces | Studio: 1 space 1 BR: 1.5 spaces 2 BR or greater: 2 spaces |
| Commercial Parking | 5 spaces per 1,000 SF | Exceeds 5 spaces per 1,000 SF |
| Guest parking | none | none, or, retail and residential share |

Note (1):

Per the December 2007 Proposed Zone Text Amendment for Transit Center High Density Mixed Use District



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

July 3, 2008

Andrew Nelson
2101 Business Center Drive #230
Irvine CA 92612

SUBJECT: GENERAL PLAN AMENDMENT NO. 07-003; ZONING MAP AMENDMENT NO. 07-001; ZONING TEXT AMENDMENT NO. 07-004; CONDITIONAL USE PERMIT NO. 07-043; DESIGN REVIEW NO. 07-031 (THE RIPCURL PROJECT)—7302-7400 CENTER AVENUE PROJECT IMPLEMENTATION CODE REQUIREMENTS

Dear Mr. Nelson:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 (tnguyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN
Associate Planner

Enclosures

cc: Gerald Caraig, Building & Safety Department – 714-374-1575
Lee Caldwell, Fire Department – 714-536-5531
Steve Bogart, Public Works – 714-536-5431
Amstar/Red Oak Huntington Beach, LLC, Property Owner

Herb Fauland, Planning Manager
Ken Small, Police – 714-536-5902
Jason Kelly, Planning Department
Project File



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JULY 3, 2008

PROJECT NAME: THE RIPCURL

ENTITLEMENTS: GENERAL PLAN AMENDMENT NO. 07-003/ZONING MAP AMENDMENT NO. 07-001/ZONING TEXT AMENDMENT NO. 07-004/CONDITIONAL USE PERMIT NO. 07-043/DESIGN REVIEW NO. 07-031

PROJECT LOCATION: 7302-7400 CENTER AVENUE, HUNTINGTON BEACH

PLAN REVIEWER: TESS NGUYEN, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1744 / tnguyen@surfcity-hb.org

PROJECT DESCRIPTION: TO PERMIT A MIXED USE DEVELOPMENT CONSISTING OF 440 RESIDENTIAL UNITS AND 10,000 SQ. FT. OF COMMERCIAL USES; TO AMEND THE GENERAL PLAN DESIGNATION; TO AMEND THE ZONING DESIGNATION; TO ESTABLISH THE MIXED-USE TRANSIT CENTER DISTRICT.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated February 21, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design with the following modifications:
 - a. Elevations shall depict approved colors and building materials.
 - b. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
 - c. Depict all utility apparatus, such as but not limited to, back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.
 - d. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and

colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s).

- e. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
 - f. All parking area lighting shall be energy efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (HBZSO 231.18(C))
 - g. Project data information shall include the flood zone, base flood elevation and lowest building floor elevation(s) per NAVD88 datum.
 - h. Bicycle parking facilities shall be provided in accordance with the provisions of HBZSO Section 231.20 – *Bicycle Parking*.
2. Prior to issuance of demolition permits, the following shall be completed:
- a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
 - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
 - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
 - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
 - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
 - f. All facets of the project related to historic preservation shall be reviewed and approved by the City of Huntington Beach. The applicant shall provide written notice of any proposed demolition to the Planning Department, for review by the City of Huntington Beach Historic Resources Board, a minimum of 45 days in advance of permit issuance. The HRB may relocate, fully document and/or preserve significant architectural elements. The applicant/property owner shall not incur any costs associated with moving or documenting the structure by the Board.
3. Prior to issuance of grading permits, the following shall be completed:
- b. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to

issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.

- c. Blockwall/fencing plans (including a site plan, section drawings and elevations, depicting the height and material of all retaining walls, freestanding walls and fences) consistent with the grading plan, shall be submitted to and approved by the Planning Department. Double walls shall be prohibited. Prior to construction of any new property line walls or fences, a plan, approved by the owners of adjacent properties, and identifying the removal of any existing walls, shall be submitted to the Planning Department for review and approval. The plans shall identify proposed wall and fence materials, seep holes and drainage.
4. Prior to submittal for building permits, the following shall be completed:
 - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
 5. Prior to issuance of building permits, the following shall be completed:
 - a. An interim parking and building materials storage plan shall be submitted to the Planning Department to assure adequate parking and restroom facilities are available for employees, customers and contractors during the project's construction phase and that adjacent properties will not be impacted by their location. The plan shall also be reviewed and approved by the Fire Department and Public Works Department. The applicant shall obtain any necessary encroachment permits from the Department of Public Works.
 - b. A gated entryway (access control devices) plan shall be submitted to the Planning Department. The gated entryway shall comply with Fire Department Standard No. 403. In addition, the gated entryway plan shall be reviewed by the United States Postal Service. Prior to the installation of any gates, such plan shall be reviewed and approved by the Planning, Fire and Public Works Departments.
 - c. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be approved prior to the first sign request.
 - d. A Mitigation Monitoring Fee for EIR No. 07-04 shall be paid to the Planning Department pursuant to the fee schedule adopted by resolution of the City Council (*City of Huntington Beach Planning Department Fee Schedule*).
 - e. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution (*City of Huntington Beach Planning Department Fee Schedule*).

- f. Developers of projects with 50 or more units or project sites consisting of five acres or larger shall conduct an analysis to determine their base flood elevation (BFE) if the project is located in a flood zone without a BFE noted on the FEMA flood map.
6. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 10 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
 - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
 7. The structure(s) cannot be occupied, the final building permit(s) cannot be approved until the following has been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning Department.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.
 - d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - e. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
 8. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the

Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

9. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
10. Conditional Use Permit No. 07-043 shall not become effective until General Plan Amendment No. 07-003, Zoning Map Amendment No. 07-001, and Zoning Text Amendment No. 07-004 have been approved by the City Council and is in effect.
11. Conditional Use Permit No. 07-043 shall not become effective until the ten calendar day appeal period following the approval of the entitlements has elapsed.
12. Conditional Use Permit No. 07-043 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
13. The Planning Commission reserves the right to revoke Conditional Use Permit No. 07-043 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
14. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
15. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
16. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
17. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
18. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning.
19. Alcoholic beverage sales shall be prohibited unless a conditional use permit for this particular use is reviewed and approved.



**HUNTINGTON BEACH
PUBLIC WORKS DEPARTMENT
SUGGESTED CONDITIONS OF APPROVAL**

City of Huntington Beach

DATE: JUNE 9, 2008

PROJECT NAME: THE RIPCURL

ENTITLEMENTS: CUP 07-043

JUN 10 2008

PLNG APPLICATION NO. 2007-0219

DATE OF PLANS: FEB 21, 2008

PROJECT LOCATION: 7302-7400 CENTER AVENUE

PROJECT PLANNER TESS NGUYEN, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-374-1744 / TNGUYEN@SURFCITY-HB.ORG

PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER *SB*

TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG

PROJECT DESCRIPTION: TO PERMIT THE CONSTRUCTION OF A SIX-STORY MIXED-USE PROJECT CONSISTING OF 440 RESIDENTIAL UNITS, 10,000 SF OF RETAIL USES, AND AMENITIES SUCH AS POOL/SPA AREA, FIRE PIT, MOVIE PROJECTION AREA, FITNESS CENTER, CONFERENCE ROOM, AND CLUBHOUSE. THE PROJECT INCLUDES FOUR LEVELS OF HOUSING OVER THREE LEVELS OF PARKING (ONE LEVEL OF PARKING BELOW GRADE AND TWO LEVELS OF PARKING ABOVE GRADE). THE RETAIL COMPONENT IS LOCATED ON THE GROUND LEVEL ADJACENT TO THE TWO LEVELS OF ABOVE GRADE PARKING.

THE FOLLOWING CONDITIONS SHALL APPLY TO THE SUBJECT PROJECT:

1. The City reserves the right to require the property owner to dedicate a portion of the private onsite fire water system to become a future public water system that will be owned and maintained by the City; and shall require the property owner to dedicate a minimum ten (10) feet water utility easement (five feet on either side of the water pipeline and appurtenances) for any portion of the private onsite fire water system that will become public and any new water pipelines/facilities constructed within the subject property that will be part of the public water system.
2. The City reserves the right to require the property owner to enter into a Special Utility Easement Agreement (SUEA) with the City for any portion of the private on-site fire water system that will be converted to a public water system and any new water pipelines/facilities constructed within the subject property that will be part of the public water system.
3. To be consistent with the City's condition to convert a portion of the private onsite fire water system to a future public water system, backflow protection devices are required on all

individual water service connections (domestic, irrigation and fire) served from the private on-site domestic and fire water pipelines.

THE FOLLOWING CONDITIONS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A BUILDING PERMIT:

1. Raker braces per the preliminary Geotechnical Report (dated December 12, 2006) shall be used for lateral support of the temporary shoring during the construction phase of the project.
2. Tie-back anchors will not be allowed in the public right-of-way (under Gothard Street or Center Avenue) or under any adjacent private property (Levitz and Southern California Edison).
3. A Shoring Plan prepared by a Licensed Civil or Structural Engineer shall be submitted to the Public Works Department (for reference only) with first submittal of the Precise Grading Plan.



HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 9, 2008
PROJECT NAME: THE RIPCURL
ENTITLEMENTS: CUP 07-043
PLNG APPLICATION NO. 2007-0219
DATE OF PLANS: FEB 21, 2008
PROJECT LOCATION: 7302-7400 CENTER AVENUE
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: 714-374-1744 / TNGUYEN@SURFCITY-HB.ORG
PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER
TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE CONSTRUCTION OF A SIX-STORY MIXED-USE PROJECT CONSISTING OF 440 RESIDENTIAL UNITS, 10,000 SF OF RETAIL USES, AND AMENITIES SUCH AS POOL/SPA AREA, FIRE PIT, MOVIE PROJECTION AREA, FITNESS CENTER, CONFERENCE ROOM, AND CLUBHOUSE. THE PROJECT INCLUDES FOUR LEVELS OF HOUSING OVER THREE LEVELS OF PARKING (ONE LEVEL OF PARKING BELOW GRADE AND TWO LEVELS OF PARKING ABOVE GRADE). THE RETAIL COMPONENT IS LOCATED ON THE GROUND LEVEL ADJACENT TO THE TWO LEVELS OF ABOVE GRADE PARKING.

City of Huntington Beach

JUN 10 2008

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A DEMOLITION PERMIT:

1. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also

ATTACHMENT NO. 9.9

recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)

- a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
2. Separate plans for removals, stockpiling, surcharge and other independent or phased remedial or earth moving operations shall be prepared by a License Civil Engineer and be submitted to Public Works for review and approval. (MC 17.05.140)
3. If soil remediation is required, a remediation action plan shall be submitted to the Fire, Planning, and Public Works Departments for review and approval in accordance with the Fire Departments Specification No. 431-92 and the conditions of approval. The plan shall include methods to minimize remediation-related impacts on the surrounding properties; details on how all drainage associated with the remediation efforts shall be retained on site and no wastes or pollutants shall escape the site; and shall also identify wind barriers around the remediation equipment. (MC 17.05.150/FD Spec. 431.92)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF A PRECISE GRADING PERMIT:**

1. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan: (ZSO 230.084A, Precise Plan of Street Alignment)
 - a. A five foot right-of-way dedication along the Gothard Street frontage is required, per the modified Precise Plan of Street Alignment for Gothard Street.
 - b. A thirty-five foot radius right-of-way dedication at the intersection of Gothard Street and Center Avenue per Public Works Standard Plan No. 207.
2. A Legal Description and Plot Plan of the dedications to City to be prepared by a licensed surveyor or engineer and submitted to Public Works for review and approval. The dedication shall be recorded prior to issuance of a precise grading permit.
3. A final detailed soils and geological/seismic analysis shall be prepared by a registered engineer and submitted to Public Works (for reference) with first submittal of the Precise Grading Plan. This analysis shall include on-site soil sampling and laboratory testing of materials to provide detailed recommendations for grading, over excavation, engineered fill, dewatering, settlement, protection of adjacent structures, chemical and fill properties, liquefaction, retaining walls, streets, and utilities. (MC 17.05.150)
4. A Precise Grading Plan prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. A new sewer lateral shall be installed connecting to the main in Gothard Street. If the new sewer lateral is not constructed at the same location as the existing laterals, then the existing lateral shall be severed and capped at the main or chimney. (ZSO 230.84)
 - b. A private looped on-site fire water system required by the Fire Department shall be constructed per Water Standards to provide service to the new fire sprinkler systems and on-site fire hydrants. Separate backflow protection devices shall be required at each point of connection to the City's water system. (Resolution 5921 and Title 17)

- c. Each retail unit may have a separate water service and meter constructed per Water Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). Placement of retail water services and meters shall meet Public Works approval. The domestic water service shall be a minimum of 2-inches in size. Alternatively, a master water service and meter to the retail building/units is also acceptable. (ZSO 230.84)
 - d. The quantity and placement of domestic water services and meters to the residential units shall meet Public Works' approval and shall be constructed per Water Standards. The meters shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). (ZSO 230.84)
 - e. Common landscaping areas, courtyards, common recreational areas, etc. shall have separate irrigation service(s) and meter(s). Each irrigation water service shall connect to the City's water system and be a minimum of 1-inch in size constructed per Water Standards. The meter size shall require the City's Landscape Architect approval. (ZSO 232)
 - f. Separate dedicated fire water services shall be constructed per Water Standards for the fire sprinkler systems required by the Fire Department. (ZSO 230.84)
 - g. Separate backflow protection devices shall be constructed per Water Standards for the domestic, irrigation and fire water services connected to the City's water system. (Resolution 5921 and Title 17)
 - h. The existing on-site public water system improvements (including water services, meters, backflow protection devices, etc.) shall be abandoned and removed per Water Standards. (ZSO 230.84)
 - i. The applicant shall quitclaim the existing water line easements dedicated to the City by submitting a legal description and plat of the public on-site water facilities for Public Works review and approval. (ZSO 230.84)
5. A Street Improvement Plan prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Edinger Corridor Draft Policies (dated February 25, 2008), with Public Works plan preparation guidelines and include the following improvements on the plan:
- a. Curb, gutter and sidewalk along the Gothard Street and Center Avenue frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - b. The existing driveway approaches on Gothard Street and Center Avenue shall be removed and replaced with curb, gutter, and sidewalk per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - c. The proposed driveway approaches on Gothard Street and Center Avenue shall be ADA compliant and constructed per Public Works Standard Plan No. 211 with minimum driveway widths of 27 feet. (ZSO 230.84) Additionally, all driveways shall be provided with a 10-foot clear sight distance triangle per the City of Huntington Beach Zoning Code, Chapter 230.88.
 - d. An ADA compliant access ramp at the southeast corner of Gothard Street and Center Avenue per Caltrans Standard Plan A88A. (ZSO 230.84, ADA)

- e. Pavement for half-street width along the project's frontages on Gothard Street and Center Avenue plus pavement for the five feet of additional Gothard Street dedication. (ZSO 230.84)
 - f. All onsite and offsite drainage facilities shall be designed per the final approved hydrology and hydraulics analysis and per the City's and County of Orange's design criteria.
 - g. The onsite and offsite sewer facilities shall be designed per the final approved sewer study and per the City's design criteria.
6. Any monument signage, hardscape and landscaping at street intersections shall conform to the 25-foot sight distance triangle. Within the 25-foot visibility triangle, the maximum height permitted for objects is 42 inches. (ZSO 230.88)
 7. A separate signing and striping plan for Gothard Street and Center Avenue shall be prepared by a Licensed Civil or Traffic Engineer and be submitted to the Public Works Department for review and approval. The plans shall address access from the project driveways. The plans shall be prepared according to the City of Huntington Beach Signing and Striping Plan Preparation Guidelines. (ZSO 230.84)
 8. Street lighting plans for all streets adjacent to the project, shall be prepared by a Licensed Civil or Electrical Engineer, and be submitted to the Public Works Department for review and approval. Lighting shall be per the City of Huntington Beach guidelines. (ZSO 230.84)
 9. A signal modification plan for the intersection at the Gothard Street and Center Avenue shall be prepared by a Licensed Civil Engineer and be submitted to the Public Works Department for review and approval. The plans shall be prepared according to the City of Huntington Beach Traffic Signal Plan Preparation Guidelines. (ZSO 230.84)
 10. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
 - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
 - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
 - c. Standard landscape code requirements apply. (ZSO 232)
 11. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
 12. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
 13. The Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist report shall be incorporated onto the Landscape Architect's plans as construction notes and/or construction requirements. The report shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution-4545)

14. A final Hydrology and hydraulic analysis for the runoff from this project (10, 25, and 100-year storms shall be analyzed) and its impact to the existing downstream storm drainage system shall be submitted to Public Works for review and approval with first submittal of the Precise Grading Plan. Possible mitigation measures to manage increased storm water runoff may include on-site attenuation and/or construction of downstream drainage improvements. The study and the proposed drainage improvements shall include on-site, privately maintained BMPs to control the quality of run-off water from the development. The study shall also justify final pad elevations on the site in conformance with the latest FEMA requirements and City Standard Plan No. 300. (ZSO 230.84)
15. Prior to the issuance of a grading permit that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (DAMP)
16. A Project Water Quality Management Plan (WQMP) conforming to the City of Huntington Beach's Project WQMP Preparation Guidance Manual dated June 2006 and prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance and shall include the following:
 - a. Discusses regional or watershed programs (if applicable)
 - b. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP)
 - d. Incorporates Treatment Control BMPs as defined in the DAMP
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
 - h. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs
 - i. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
 - i) The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).

- ii) The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
 - j. The applicant shall return one CD media to Public Works for the project record file.
17. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Precise Grading Plan.
 18. In complexes larger than 100 dwelling units where car washing is allowed, a designated car wash area that does not drain to a storm drain system shall be provided for common usage. Wash water from this area may be directed to the sanitary sewer (upon approval by the Orange County Sanitation District), to an engineered infiltration system, or to an equally effective alternative. Pre-treatment may also be required. (DAMP)
 19. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. (DAMP)
 20. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
 21. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
 22. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING GRADING OPERATIONS:

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
2. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)

3. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
4. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
5. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
6. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
7. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
8. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
9. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
10. Wind barriers shall be installed along the perimeter of the site. (DAMP)
11. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF A BUILDING PERMIT:**

1. A Precise Grading Permit shall be issued. (MC 17.05)
2. Traffic impact fees shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$154 per net new added daily trip is adjusted annually. This project is forecast to generate 1,666 new daily trips for a total traffic impact fee of \$256,564. (MC 17.65)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF AN ENCROACHMENT PERMIT:**

1. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be prepared in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (MC 12.13, Construction Traffic Control Plan Preparation Guidelines)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL
INSPECTION OR OCCUPANCY:**

1. Complete all improvements as shown on the approved grading, landscape, street and offsite improvement plans. (MC 17.05)
2. The current tree code requirements shall apply to this site. (ZSO 232)
 - a. Existing trees to remain on site shall not be disfigured or mutilated (ZSO 232.04E) and,

- b. General tree requirements, regarding quantities and sizes. (ZSO 232.08B and C)
3. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
4. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
5. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
 - c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.
6. All new utilities shall be undergrounded. (MC 17.64)
7. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf . (ZSO 240.06/ZSO 250.16)
8. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MARCH 31, 2008

PROJECT NAME: THE RIPCURL

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 07-219

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 07-043 AND DESIGN REVIEW NO. 07-031

DATE OF PLANS: FEBRUARY 21, 2008

PROJECT LOCATION: 7302-7400 CENTER AVENUE, HUNTINGTON BEACH, CA

PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 374-1744/ tnguyen@surfcity-hb.org

PLAN REVIEWER-FIRE: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST

TELEPHONE/E-MAIL: (714) 536-5531/ lcaldwell@surfcity-hb.org

PROJECT DESCRIPTION: TO PERMIT THE CONSTRUCTION OF A SIX-STORY MIXED-USE PROJECT CONSISTING OF 440 RESIDENTIAL UNITS, 10,000 SF OF RETAIL USES, AND AMENITIES SUCH AS POOL/SPA AREA, FIRE PIT, MOVIE PROJECTION AREA, FITNESS CENTER, CONFERENCE ROOM, AND CLUBHOUSE. THE PROJECT INCLUDES FOUR LEVELS OF HOUSING OVER THREE LEVELS OF PARKING (ONE LEVEL OF PARKING BELOW GRADE AND TWO LEVELS OF PARKING ABOVE GRADE). THE RETAIL COMPONENT IS LOCATED ON THE GROUND LEVEL ADJACENT TO THE TWO LEVELS OF ABOVE GRADE PARKING.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated March 12, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: LEE CALDWELL, FIRE DEVELOPMENT SPECIALIST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

- a. **"Phase 1 Environmental Study"** is required. Submit report to the Fire Department for review per City Specification # 431-92 Soil Clean-Up Standards. Based on site characteristics, identified former uses, suspected soil contamination, proximity to a producing/abandoned oil well, or Phase I, II, or III Site Audit, soil testing may be required.

If contamination is identified, provide a Fire Department approved Remediation Action Plan (RAP) based on requirements found in Huntington Beach City Specification # 431-92, Soil Cleanup Standard. All soil must conform to City Specification # 431-92 Soil Clean-Up Standards. **(FD)**

- b. ***Methane Mitigation Requirements.*** Due to the proposed below-grade construction, soil gas testing for methane gas is required. A methane sample plan shall be submitted to the fire department for review and approval, prior to the commencement of sampling.

If methane gas is discovered in the soil, the following City Specification would be applicable and the grading, building, and methane plans must reference that a sub-slab methane barrier and vent system will be installed per City Specification # 429, *Methane District Building Permit Requirements* prior to plan approval. Additional methane mitigation measures may be required by the fire department.

Methane safety measures per *City Specification # 429, Methane District Building Permit Requirements* shall be detailed on a separate sheet titled "METHANE PLAN" and three copies submitted to the Fire Department for approval. **(FD)**

- c. ***Imported Soil Plan.*** All imported soil shall meet *City Specification #431-92, Soil Cleanup Standards*. When required by the Fire Department, off-site soil importation exceeding 50 cubic yards requires an "Imported Soil Plan" to be submitted to the Fire Department for review and joint approval with the Public Works Department prior to soil importation onto the site.

Initial sample schedule:

- 1 sample per 50 cubic yards of imported fill (prior to import).

Modified sampling schedule upon source approval by fire and public works:

- 1 sample per 100 cubic yards of imported fill (prior to import).
- 1 sample per 1000 cubic yards of imported fill (prior to import).

Public Works may also have plan requirements for grading, stockpiling, haul routes, storm water pollution prevention, erosion and/or dust control.

Note: Grading Plans must be approved by the Fire Department prior to issuance of a Public Works grading permit. Standard Fire Department notes are required to be on the plans on oil industry impacted sites. Additional requirements will be necessary for the development of former oilfield property.

Soil testing results must be submitted, and approved by the Fire Department prior to issuance of a building permit. **(FD)**

- d. **Fire Access Roads** shall be provided and maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24') wide, with thirteen feet six inches (13' 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26') wide, with thirteen feet six inches (13' 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **NOTE: Due to the length of the proposed fire road and the substantial residential density the project proposes, the fire road design needs to be amended so that a second means of access is provided through to Center Avenue. (FD)**
- e. **Fire Access Road Turns and Corners** shall be designed with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access*. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**
- f. **Maximum Grade for Fire Apparatus Access Roads** shall not exceed 10%. **(FD)**
- g. **Fire Lanes**, as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**
- h. **Secured Vehicle Entries** shall utilize KNOX® activated access switches (Knox switches for automated gates, Knox padlocks for manual gates), and comply with City Specification #403, *Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. Reference compliance in the plan notes. **(FD)**
- i. **Secured Automated Vehicle Entry Gates (Residential)** shall utilize a combination "Strobe-Activated Switch" and "Knox Manual Key Switch", and comply with City Specification # 403, *Fire Access for Pedestrian or Vehicular Security Gates & Buildings*. Reference compliance with City Specification # 403 *Fire Access for Pedestrian or Vehicular Security Gates & Buildings* in the plan notes. **(FD)**
- j. **Fire Hydrants** (Public) are required. Hydrants must be portrayed on the site plan. Hydrants shall be installed and in service **before** combustible construction begins. Installation of hydrants and service mains shall meet NFPA 13 and 24, 2002 Edition, Huntington Beach Fire Code Appendix B and C, and City Specification # 407 Fire Hydrant Installation Standards requirements. Maximum allowed velocity of fire flow in

supply piping is 12 fps. Plans shall be submitted to Public Works and approved by the Public Works and Fire Departments. For Fire Department approval, portray the fire hydrants and reference compliance with NFPA 13 and 24, 2002 Edition, Huntington Beach Fire Code Appendix B and C, and City Specification #407 Fire Hydrant Installation Standards in the plan notes. (FD)

- k. **Private Fire Hydrants** are required. Hydrants must be portrayed on the site plan. Hydrants shall be installed and in service **before** combustible construction begins. Installation of hydrants and service mains shall meet NFPA 13 and 24, 2002 Edition, Huntington Beach Fire Code Appendix B and C, and City Specification # 407 Fire Hydrant Installation Standards requirements. Private fire hydrants shall not be pressurized by Fire Department Connections to the sprinkler system. The system design shall ensure that recirculation of pressurized water from the hydrant, thru the FDC and back through the sprinkler system supply to the hydrant does not occur. Installation of the private fire service main, including fire department connections, shall meet NFPA 13 and 24, 2002 Edition requirements. Maximum allowed velocity of fire flow in supply piping is 12 fps. The maintenance of private fire hydrants is the responsibility of the owner or facility association. Shop drawings shall be submitted to and approved by the Fire Department. For Fire Department approval, portray the fire hydrants and reference compliance with City Specification #407 Fire Hydrant Installation Standards in the plan notes. (FD)
- l. **Private Fire Service Piping (FSP)** Application for permit shall be made for private on-site Fire Service Piping (FSP), including but not limited to, private fire service mains and underground sprinkler laterals. Maximum allowed velocity of fire flow in supply piping is 12 fps. Additionally, application for permit shall be made for fire protections systems (sprinklers, alarms, chemical, fire pumps, etc.) as applicable.

Permits may be obtained at the City of Huntington Beach Department Fire Department by completing a Fire Permit Form (available at Fire Administration) and submitting such plans and specifications as required by the bureau of fire prevention. A permit constitutes permission to begin work in accordance with approved plans and specifications. The permit fee includes plan checking and inspections by an authorized fire prevention inspector. Development reviews/approvals by the bureau of fire prevention during planning do not constitute approval to perform FSP or fire protection system work, unless otherwise noted. (FD)

- m. **Private Fire Service Connection to the Public Water Supply** - Separate plans shall be submitted to the Public Works Department detailing the connection, piping, valves and back-flow prevention assembly (DDCA) for approval and permits. Approval by Public Works and the Fire Department must be completed prior to issuance of a grading permit. The dedicated private fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. (FD)

- n. **Fire Alarm System** is required. For Fire Department approval, shop drawings shall be submitted to the Fire Department as separate plans for permits and approval. For Fire Department approval, reference and demonstrate compliance with *UBC 305.9* on the plans. A C-10 electrical contractor, certified in fire alarm systems, must certify the system is operational annually. (FD)
- o. **Automatic Fire Sprinklers** are required. NFPA13 Automatic fire sprinkler systems are required per Huntington Beach Fire Code for new buildings with "fire areas" 5000 square feet or more or for buildings 10,000 square feet or more. An addition of square footage to an existing building also triggers this requirement.

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, and 24-hour central station monitoring.

Automatic fire sprinkler systems must be maintained operational at all times, with maintenance inspections performed quarterly and the system serviced every five years by a state licensed C-16 Fire Protection Contractor.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

NOTE: When buildings under construction are more than one (1) story in height and required to have automatic fire sprinklers, the fire sprinkler system shall be installed and operational to protect all floors lower than the floor currently under construction. Fire sprinkler systems for the current floor under construction shall be installed, in-service, inspected and approved prior to beginning construction on the next floor above. (FD)

- p. **Fire Department Connections (FDC)** to the automatic fire sprinkler systems shall be located to the front of the building, at least 25 feet from and no farther than 150 feet of a properly rated fire hydrant. (FD)
- q. **Class 1 Standpipes** (2 ½" NFH connections) are required at each stairway. The standpipe system in stairwells cannot protrude into, impede, or compromise the H.B.B.C. "Exit Width" requirements. For Fire Department approval, reference and portray Class 1 standpipes at each stairway in the plan notes. (FD)
- r. **NPFA 13 Commercial Fire Sprinkler Systems Supply** shall be from a dedicated fire water service installed per Fire Department, Public Works, and Water Division Standards. The dedicated fire water service connection shall be a minimum of four inches (4") in size. Depending on fire sprinkler system demands, larger water service may be required. Separate plans shall be submitted to the Public Works Department for approval and permits, and must be completed prior to issuance of a grading permit. The dedicated fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. Contact Huntington Beach Public Works Department (714-536-5431) for offsite water improvement requirements. (FD)

- s. **On-Site Fire Service Piping (FSP)** Application for permit shall be made for on-site Fire Service Piping (FSP), including but not limited to, private fire service mains and underground sprinkler laterals. Maximum allowed velocity of fire flow in supply piping is 12 fps. Additionally, application for permit shall be made for fire protections systems (sprinklers, alarms, chemical, fire pumps, etc.) as applicable.

Permits may be obtained at the City of Huntington Beach Department Fire Department by completing a Fire Permit Form (available at Fire Administration) and submitting such plans and specifications as required by the bureau of fire prevention. A permit constitutes permission to begin work in accordance with approved plans and specifications. The permit fee includes plan checking and inspections by an authorized fire prevention inspector. Development reviews/approvals by the bureau of fire prevention during planning do not constitute approval to perform FSP or fire protection system work, unless otherwise noted. **(FD)**

- t. **Connection to the Public Water Supply** - Separate plans shall be submitted to the Public Works Department detailing the connection, piping, valves and back-flow prevention assembly (DDCA) for approval and permits. Approval by Public Works and the Fire Department must be completed prior to issuance of a grading permit. The dedicated private fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. **(FD)**
- u. **Trash Dumpsters** or containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved fire sprinkler system. HBFC 1103.2.2 For Fire Department approval, reference and demonstrate compliance with HBFC 1103.2.2 **(FD)**
- v. **Fire Extinguishers** shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. **(FD)**
- w. **Commercial Food Preparation Fire Protection System** required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection of Commercial Cooking Operations* in the plan notes. **(FD)**
- x. **Main Secured Building Entries** shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. **(FD)**

- y. **Fire Sprinkler System Controls** access shall be provided, utilizing a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. The approximate location of the system controls shall be noted on the plans. Reference compliance in the plan notes. (FD)
- z. **Secondary Emergency Access Gates** serving courtyards, paseos, and all project pool or spa areas must be secured with **KNOX® Fire Department Access Key Box** in addition to association or facility locks (if any). For Fire Department approval, reference compliance with *City Specification # 403 Fire Access for Pedestrian or Vehicular Security Gates & Buildings* in the plan notes. (FD)
- aa. **Elevators** shall be sized to accommodate an ambulance gurney. Minimum interior dimensions are 7 feet (84") wide by 4 feet 3 inches (51") deep. Minimum door opening dimensions are 3 feet 6 inches (42") wide right or left side opening. Center opening doors require a 4 feet 6 inches (54") width. For Fire Department approval, reference and demonstrate compliance on the building plans. HBBC 3002.4 (FD)
- bb. **High Rise Buildings.** Buildings classified as being 55 feet or more in height must comply with the requirements of the State Fire Marshall for a high-rise building. (FD)
- cc. **Subterranean Parking Garage - Ventilation Systems** must have emergency smoke evacuation capability. A zoned, mechanical smoke and combustible products removal system, with manual controls for firefighters located in the fire control room shall be provided. This shall include an emergency power source. System shall also comply with Building and Mechanical Codes and shall be adequate to exhaust carbon monoxide (CO). (FD)
- dd. **Enhanced Communication Systems** are required for Fire Department and Police Department communications in Subterranean Parking Garages. Repeater type radio systems as specified by the Fire and Police Departments shall provide adequate communication inside the parking garages, from inside the garages to the exterior, and to/from the fire control rooms. **Above-grade areas or floors found to have with poor radio reception may also require repeating systems.** (FD)
- ee. **On-Slope Located Fire Equipment.** Fire Hydrants, backflow devices (DDCA), Fire Department Connections (FDC) and other related fire devices located in bermed or sloped areas must be enclosed in retaining walls, providing flat access to the equipment. (FD)
- ff. **Stairwell Required Minimum Widths.** Standpipe systems in stairwell areas shall not impede code required minimum widths. (FD)

- gg. **Fire Control Room required.** Provide a dedicated room for the Fire Department to observe and monitor all systems operations from an integrated annunciator panel. They shall be located in an exterior location that is at grade level and has clear-to-the sky access. (FD)
- hh. **Structure or Building Address Assignments.** The Planning Department shall review and make address assignments. The individual dwelling units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. For Fire Department approval, reference compliance with City Specification #409 Street Naming and Address Assignment Process in the plan notes. (FD)
- ii. **Commercial Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Building address number sets are required on front and rear of the structure and shall be a minimum of six inches (6") high with one and one half inch (1 ½") brush stroke. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front and rear door. All address numbers are to be in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and portray the address location on the building. (FD)
- jj. **Residential (SFD) Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Number sets are required on front of the structure in a contrasting color with the background and shall be a minimum of four inches (4") high with one and one half inch (½") brush stroke. For Fire Department approval, reference compliance with City Specification #428, Premise Identification in the plan notes and portray the address location on the building. (FD)
- kk. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:
- Site plot plan showing the building footprint.
 - Specify the type of use for the building
 - Location of electrical, gas, water, sprinkler system shut-offs.
 - Fire Sprinkler Connections (FDC) if any.
 - Knox Access locations for doors, gates, and vehicle access.
 - Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
- Shall be in accordance with County of Orange Ordinance 3809.

- File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.
- Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
- Separate drawing file for each individual sheet.
In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing*.

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536- 5531.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**

- II. **Fire Pits.** Recreational or decorative fire pits shall only be gas-fired and shall conform to Huntington Beach Fire Department guidelines. **(FD)**
- mm. **Mushroom Space Heaters** (if utilized) shall meet the following requirements:
 - Heaters shall display a U.L. listing number or other nationally recognized standard.
 - Heaters shall be used in open-air areas only. Indoor use is not permitted.
 - Heaters shall be equipped with a safety tilt shut-off switch.
 - Heaters shall be set upon a firm and level foundation.
 - Heaters shall not be located inside of or within three feet of the awning or canopy footprint. (CFC 1107.1)
 - Placements of heater(s) shall not be closer than 5' from buildings. (CFC 8204.3 and Table 8204-A)
 - Heaters shall not obstruct the clear path of exits. (CFC 1203)
 - Heaters shall maintain a minimum of 3-foot clearance from any combustible material. (CFC 1107.1)
 - Heaters shall not be stored or used within any structure. (CFC 1103.3.2.6)
 - The storage of spare cylinders is not allowed. (CFC 101.4 and 1103.3.2.6) **(FD)**

THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

- a. Fire/Emergency Access and Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**

OTHER:

ATTACHMENT NO. 9.25

- a. Discovery of soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. **(FD)**
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

Fire Department City Specifications may be obtained at:
Huntington Beach Fire Department Administrative Office
City Hall 2000 Main Street, 5th floor
Huntington Beach, CA 92648
or through the City's website at **www.surfcity-hb.org**

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

S:\Prevention\1-Development\1-Planning Department - Planning Applications, CUP's\Center 7302-7400; THE RIPCURL; CUP# 07-043; DR# 07-031 3-31-08 LC.doc



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: March 30, 2008
PROJECT NAME: THE RIPCURL
PROJECT LOCATION: 7300 Center Ave, HB
PLANNING APP #: PLANNING APPLICATION NO. 07-219
ENTITLEMENTS: CUP NO. 07-043 AND DR NO. 07-031
DATE OF PLANS: FEBRUARY 21, 2008
LOCATION: 7302-7400 CENTER AVENUE, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: JAN THOMAS
TELEPHONE/E-MAIL: (949) 348-8186 - JCKTHOMAS@COX.NET
PROJECT DESCRIPTION: To permit the construction of a six-story mixed-use project consisting of 440 residential units, 10,000 SF of retail uses, and amenities such as pool/spa area, fire pit, movie projection area, fitness center, conference room and clubhouse. The project includes four levels of housing over three levels of parking. The retail component is located on the ground level adjacent to the two levels of above grade parking.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

SUGGESTED CONDITIONS OF APPROVAL

Garage radio transmittal:

The Police and Fire Department emergency radios may not be able to receive or transmit in the subterranean parking levels. If this is the case, it is imperative that an effective antenna be installed so that emergency personnel can receive/transmit in the parking structure. Please contact Jim Moore, City of Huntington Beach, Information Systems, at (714) 536-5943 for more information.

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Parking structure lighting:

Lighting in parking structures should optimally be placed over and between the parked vehicles. Crimes mainly occur between vehicles; therefore, lighting is important and should focus in these areas. Lighting should also focus on pedestrian areas.

Recommendation: Paint the interior white in color. A study showed that painting the interior of the parking structure white adds approximately 20% more light to the structure by reflection alone.

Parking:

Residential parking and retail parking should be clearly separated. Distinguish the difference with color, pavement treatments and signs.

Parking garage elevators:

Elevator areas and stairwells should be well lit and recorded via surveillance cameras 24 hours a day, every day.

Leasing office/Main residential lobby:

The person working in the leasing office should be situated to see people entering and exiting the building through the main residential lobby. This person should also be able to view the elevator and stairwell area with ease.

A camera 24 hour and recorded should be utilized in the main residential lobby.

Recreation room:

This room should have windows looking out onto the courtyard. A window on the south side of the recreation room as well will provide more visibility onto the elevator waiting area.

Skateboarding:

The northwest side of the building shows a walkway on a downward slope. Areas such as this provide skateboarding opportunities and should be equipped with something to deter skateboarding in this area. Noise and damage to the property may be avoided as well. Police recommend using a product to attach to the areas vulnerable to skateboarding to stop skateboarders. A company such as www.skatestoppers.com or other similar companies sell a product that will deter skateboarding and possibly prevent damage to the property.

RECOMMENDATIONS TO ENHANCE THE QUALITY OF THE PROJECT:

Landscaping:

Landscaping should remain at a height less than 3' in order to allow people the opportunity to clearly see their surroundings and report potential danger.

Stairwells:

Ideally, stairwells should be open to the exterior. People feel safer and are, in fact, more likely to be seen in case of an emergency. They are also more likely to see an offender coming. Obviously subterranean stairwells cannot be open to the outside, however, where possible in the residential building, allow as much visibility into the stairwells as possible either through open air stairwells or large windows.

Community interaction:

Courtyards do provide activity areas for interaction. The barbeque areas, benches, and games bring residents together. This, in turn, builds neighborhood cohesiveness. However, are there open space areas for kids to play? Is there grass?

Question: Is there a laundry room? If so, please contact police for recommended security measures.



**CITY OF HUNTINGTON BEACH
DEPARTMENT OF BUILDING & SAFETY
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

DATE: March 11, 2008
PROJECT NAME: THE RIPCURL
PLANNING APPLICATION NO: PLANNING APPLICATION NO. 2007-219
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 2007-043 AND DESIGN REVIEW NO. 2008-031
DATE OF PLANS: FEBRUARY 21, 2008
PROJECT LOCATION: 7302-7400 CENTER AVE, HUNTINGTON BEACH
PLAN REVIEWER: JASON KWAK, PLAN CHECK ENGINEER
TELEPHONE/E-MAIL: (714) 536-5278 / jkwak@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE CONSTRUCTION OF A SIX-STORY MIXED-USE PROJECT CONSISTING OF 440 RESIDENTIAL UNITS, 10,000 SF OF RETAIL USES, AND AMENITIES SUCH AS POOL/SPA AREA, FIRE PIT, MOVIE PROJECTION AREA, FITNESS CENTER, CONFERENCE ROOM, AND CLUBHOUSE. THE PROJECT INCLUDES FOUR LEVELS OF HOUSING OVER THREE LEVELS OF PARKING (ONE LEVEL OF PARKING BELOW GRADE AND TWO LEVELS OF PARKING ABOVE GRADE). THE RETAIL COMPONENT IS LOCATED ON THE GROUND LEVEL ADJACENT TO THE TWO LEVELS OF ABOVE GRADE PARKING

The following is a list of code requirements deemed applicable to the proposed project based on plans received as stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. This list is not intended to be a full and complete list and serves only to highlight possible building code issues on the proposed preliminary plans. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer.

I. SPECIAL CONDITIONS:

1. None

ATTACHMENT NO. 9.30

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2005 California Energy Code and the Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Geotechnical investigation shall be updated to comply with 2007 California Building Code.
3. Allowable area of unprotected openings permitted in an exterior wall is limited when the fire separation distance is less than or equal to 30 feet, per section 704.8 of 2007 California Building Code.



CITY OF HUNTINGTON BEACH
PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: March 11, 2008
PROJECT NAME: THE RIPCURL
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 07-219
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 07-043 AND DESIGN REVIEW NO. 07-031
DATE OF PLANS: FEBRUARY 21, 2008
PROJECT LOCATION: 7302-7400 CENTER AVENUE, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER:
TELEPHONE/E-MAIL: (714) 536-XXX/ XXXXX@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE CONSTRUCTION OF A SIX-STORY MIXED-USE PROJECT CONSISTING OF 440 RESIDENTIAL UNITS, 10,000 SF OF RETAIL USES, AND AMENITIES SUCH AS POOL/SPA AREA, FIRE PIT, MOVIE PROJECTION AREA, FITNESS CENTER, CONFERENCE ROOM, AND CLUBHOUSE. THE PROJECT INCLUDES FOUR LEVELS OF HOUSING OVER THREE LEVELS OF PARKING (ONE LEVEL OF PARKING BELOW GRADE AND TWO LEVELS OF PARKING ABOVE GRADE). THE RETAIL COMPONENT IS LOCATED ON THE GROUND LEVEL ADJACENT TO THE TWO LEVELS OF ABOVE GRADE PARKING.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

Conditions under HB 250 230.2 and 254.08 for appropriate payment of park fees should be applied to the project.

AFFORDABLE HOUSING PLAN

For
THE RIPCURL
August 1, 2008

The Ripcurl (the "Project") will provide affordable housing in order to implement the goals, objectives and policies of the City's Housing Element. Zoning Ordinance Section 230.26 implements the affordable housing goals of the Housing Element of the City's General Plan.

Pursuant to Section 218.10 "Affordable Housing" of the Transit Center District Zoning Text Amendment submitted by Applicant, Applicant will work with the City to create an Affordable Housing Agreement (the "Agreement") that will outline an affordable housing plan for the Project that is acceptable to the City and is economically viable for the Project. The Agreement, as approved by the Director, will be executed between Applicant and the City prior to issuance of the first building permit.

Among the components of the Agreement will be the following:

Affordable Unit Count: Applicant shall provide affordable units such that 10% of the Project households are affordable. For purposes of determining the required number of affordable housing units, only the new units provided by the Project shall be counted.

Term: The Agreement shall specify an affordability term of not less than sixty (60) years.

Income Levels: Affordable rental units shall be made available to very low, low, or moderate-income households based on the Orange County Median Income, adjusted for appropriate family size, as published by the United States Department of Housing and Urban Development or established by the State of California, pursuant to Health and Safety Code Section 50093, or a successor statute.

On-Site Component: At least one fifth of the total required affordable units shall be provided on site. Applicant may finance this component as a scattered-site project in joint venture with a nonprofit development company. The on-site units shall be mixed throughout the Project, and shall be indistinguishable from market-rate units in terms of exterior appearance, materials, finished quality, and access to amenities, except as may be allowed for in the next paragraph.

Flexibility for Special Needs Groups: Applicant may use special configurations or designs of affordable units in order to better meet the needs of targeted income-restricted populations (e.g. student units or large corporation employee units congregated into a single part of the building.)

Off-Site Component: Applicant may provide up to four-fifths of the required affordable housing off-site at one or multiple sites within the City of Huntington Beach. If possible,

the off-site housing will be located within the Beach-Edinger Specific Plan area. Applicant will provide the off-site component by using some combination of the following methods:

- Build new units.
- Renovate existing units and deed-restrict them to affordable rent levels.
- Acquire existing units and deed-restrict them to affordable rent levels.
- Purchase affordable housing units that are “at risk” of converting to market rate rents due to expiration of affordability covenants, and renewing the affordability covenants.
- Pay to have an income-based deed-restriction put into place on rental units owned by another owner using terms consistent with inclusionary housing requirements.
- Directly subsidize the construction or implementation of another affordable housing project in the City.
- Partner with another developer, non-profit group, or public or private group to create an affordable housing development.

In-Lieu Fee Option: In the event and to the extent that none of the off-site component methods are feasible, Applicant shall pay a fee equal to the highest per square foot in-lieu fee rate for rental housing, as established annually by resolution of the City Council. Not more than 80% of the Project’s affordable housing obligation shall be met using the In-lieu Fee Option.

Implementation Timing: All affordable off-site housing shall be constructed, rehabilitated, or acquired and deed-restricted prior to or concurrently with the primary Project. Final approval (occupancy) of the first market rate residential unit shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion, of the affordable units. To the extent Applicant needs to pay in-lieu fees, one hundred (100) percent of those fees shall be paid prior to issuance of a building permit.

Right of First Refusal for Existing Tenants: In the event that Applicant opts to provide affordable units at an off-site location by renovating or deed-restricting existing residential rental units, if existing tenant(s) in the off-site units meets the eligibility requirements, he/she shall be given the right of first refusal to occupy the affordable unit(s). If there are no qualified tenants, or if the qualified tenant(s) chooses not to exercise the right of first refusal, then qualified households or buyers will be selected.

THE RIPCURL PROJECT

Findings of Fact/ Statement of Overriding Considerations

Prepared for
City of Huntington Beach
Planning Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

Prepared by
PBS&J
12301 Wilshire Boulevard, Suite 430
Los Angeles, California 90025

September 15, 2008

ATTACHMENT NO. 11.1

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CHAPTER 1 Introduction

This document presents the Findings of Fact and Statement of Overriding Considerations that must be adopted by the City of Huntington Beach (City) pursuant to the requirements of Sections 15091 and 15093, respectively, of the *California Environmental Quality Act* Guidelines (CEQA Guidelines) prior to the approval of The Ripcurl Project (proposed project).

This document is organized as follows:

- Chapter 1** Introduction to the Findings of Fact and Statement of Overriding Considerations.
- Chapter 2** Presents the CEQA Findings of the Environmental Impact Report (EIR), including the identified significant cumulative impact.
- Chapter 3** Presents the alternatives to the proposed project and evaluates them in relation to the findings contained in Section 15091(a)(3) of the CEQA Guidelines. The City must consider and make findings regarding alternatives when a project would involve environmental impacts that cannot be reduced to a less-than-significant level, or cannot be substantially reduced, by proposed mitigation measures.
- Chapter 4** Presents a Statement of Overriding Considerations that is required in accordance with Section 15093 of the CEQA Guidelines for significant impacts of the proposed project that cannot be mitigated to a less-than-significant level.

The proposed project involves the construction of a mixed-use residential and commercial development that would consist of four levels of residential uses over street-level neighborhood commercial uses in two six-story structures. Parking would be provided on-site; one level of parking would be below-grade, and two levels of parking would be above-grade. A total of 705 parking spaces would be provided for residences and visitors. The commercial component would be located on the ground level adjacent to the above grade parking. A mezzanine level would also be located on the roof. Overall, the project as originally proposed would consist of 440 residential units and up to 10,000 square feet (sf) of street level commercial uses. The total project floor area, excluding parking and basement area would be approximately 382,700 sf.

The project would be transit-friendly in that it is situated adjacent to the Golden West Transportation Center, which is the City's largest transit hub and provides transit access throughout northern Orange County. The location of the project next to the transportation center hub would provide residents with a convenient alternative means of transportation. The project could also benefit from future commuter rail service if it is established along the existing Union Pacific Railroad line. The proposed location of high-density infill development would also benefit from the existing nearby retail and neighborhood services.

The project as originally proposed would result in significant unavoidable project-level impacts with respect to traffic, as well as cumulative traffic and population and housing impacts. In comparison to the alternatives analyzed against the proposed development, the City finds in the Draft EIR that Alternative 4—Reduced Project Alternative Option 2 would be considered the environmentally superior alternative.

The following discretionary approvals by the City of Huntington Beach are required to implement the proposed project:

- **Conditional Use Permit Request**—To permit construction of the proposed structures
- **Design Review**—Approval
- **General Plan Amendment**—To allow mixed-use on the site
- **Zoning Map Amendment**—To establish a “Transit Center District” zone on the project site
- **Zoning Text Amendment**—To establish a “Transit Center District” and associated development standards

The project as originally proposed and analyzed in the Draft EIR has been rejected from further consideration. A Modified Reduced Project Alternative Option 2 is more desirable than the proposed project and has been recommended by City staff to become the recommended project and replace the original project. The Modified Reduced Project Alternative Option 2 would reduce the intensity of the residential development (while keeping the intensity of the commercial development the same as the proposed project), and reduce the severity of traffic/transportation impacts.

CHAPTER 2 CEQA Findings

2.1 INTRODUCTION

This chapter presents the potential impacts that were identified in the EIR and the findings that are required in accordance with Section 15091 of the CEQA Guidelines. The possible findings for each significant and/or potentially significant adverse impact are as follows:

- (a) Changes or alterations have been required in, or incorporated into the project which avoid, substantially lessen, or reduce the magnitude of the significant environmental effect as identified in the EIR (“Finding 1”).
- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the findings. Such changes have been adopted by such other agency or can, and should be, adopted by such other agency (“Finding 2”).
- (c) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives in the EIR (“Finding 3”).

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or substantially reduce significant environmental impacts that would otherwise occur as a result of a project. Project modification or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with some other agency (State CEQA Guidelines §15091, subd. (a), [3]). Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” (See also *Citizens of Goleta Valley v. Board of Supervisors* [Goleta II] [1990] 52 Cal.3d 553, 565 [276 Cal. Rptr. 410].)

Only after fully complying with the findings requirement can an agency adopt a Statement of Overriding Considerations (*Citizens for Quality Growth v. City of Mount Shasta* [1988] 198 Cal.App.3d 433, 442, 445 [243 Cal. Rptr. 727]). CEQA requires the Lead Agency to state in writing the specific rationale to support its actions based on the Final EIR and/or information in the record. This written statement is known as the Statement of Overriding Considerations. The Statement of Overriding Considerations provides the information that demonstrates the decision-making body of the Lead Agency has weighed the benefits of the project against its unavoidable adverse effects in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”

The California Supreme Court has stated that, “the wisdom of approving any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II*, 52 Cal.3d 553, 576 [276 Cal. Rptr. 401].)

This document presents the City of Huntington Beach findings as required by CEQA, cites substantial evidence in the record in support of each of the findings, and presents an explanation to supply the

logical step between the finding and the facts in the record (State CEQA Guidelines §15091). Additional facts that support the findings are set forth in the Draft EIR, the Final EIR, staff reports, and the record of proceedings.

Table 2-1 (CEQA Findings for The Ripcurl Project) summarizes the potentially significant impacts of the originally proposed project in the EIR that were reduced to less-than-significant levels with mitigation as well as the project-level and cumulative significant impacts. As discussed in Chapter 1, the project as originally proposed and analyzed in the Draft EIR has been rejected from further consideration. A Modified Reduced Project Alternative Option 2 is more desirable than the proposed project and has been recommended by City staff to become the recommended project and replace the original project. The Modified Reduced Project Alternative Option 2 would allow for development of 385 residential units and up to 10,000 square feet of commercial uses and reduce the severity of traffic/transportation impacts. All other elements of the project as originally proposed would remain as presented in the Draft EIR.

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | | Impact Summary | Findings |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Aesthetics | | | |
| Impact 4.1-2 Implementation of the proposed project would create new sources of light or glare into the project vicinity. However, these sources would not adversely affect day or nighttime views in the area. | Proposed structures would range between approximately 66.5 to 72.5 feet in height. Buildings generally three or more stories in height have the potential to include large building faces that could introduce reflective surfaces (e.g., brightly colored building façades, reflective glass) that could increase existing levels of daytime glare. The proposed project could, therefore, serve as a new source of light and glare in the area, and impacts would be potentially significant. However, implementation of mitigation measure MM4.1-1 would reduce impacts associated with glare from mid- to high-rise structures. The provision of non-reflective façade treatments for structures proposed under the project would ensure that impacts related to daytime glare would be reduced to a less-than-significant level by reducing the reflective properties of the building materials employed, such as glass, metal, or finished concrete. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.1-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.1-1. | |
| Air Quality | | | |
| Impact 4.2-2 Peak construction activities associated with the proposed project could generate emissions that exceed SCAQMD thresholds. | Construction-related daily emissions would not exceed SCAQMD significance thresholds. However, these calculations assume that appropriate dust control measures would be implemented during each phase of development as required by SCAQMD Rule 403—Fugitive Dust, and that all other appropriate mitigation measures (MM4.2-1 and MM4.2-2), such as limiting idling of motorized equipment, has been implemented. Thus, all identified city requirements and mitigation measures are required. | Finding 1. The City finds that changes or alterations have been required in, or incorporated into, the project, which would reduce Impact 4.2-2 to less-than-significant levels. No additional mitigation measures are necessary with the implementation of CR4.2-1 through CR4.2-5 and mitigation measures MM4.2-1 and MM4.2-2. | |
| Cumulative Climate Change | | | |
| | Construction and operation of the proposed project would contribute to greenhouse gas emissions. However, due to the type and size of the proposed project, design features and greenhouse gas emission reduction measures incorporated into the proposed project, as well as mitigation measures MM4.2-1 and MM4.2-2, the project's contribution to the cumulative impact would not be considerable. Further in accordance with guidance from the State Attorney General, the California Air Pollution Control Officers Association, the California Climate Action Team, the California Air Resources Board, and the South Coast Air Quality Management District, the project has been designed in such a manner as to reduce its contribution to climate change and global warming emissions. | Finding 1. The City finds that the cumulative impact of the proposed project with respect to climate change would be less than significant due to the incorporation of changes or alterations, either required or incorporated, to the project. No additional mitigation measures are necessary with the implementation of CR4.2-1 through CR4.2-5 and mitigation measures MM4.2-1 and MM4.2-2, in light of the current design of the proposed project. | |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | | Impact Summary | Findings |
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| Biological Resources | | | |
| Impact 4.3-1 The proposed project could have a substantial adverse impact either directly (e.g., habitat loss) or indirectly (e.g., noise effects on wildlife) through habitat modifications, on any species identified or published as an endangered, threatened, rare, candidate, sensitive, or special-status species by CDFG or USFWS, and meets the definition of Section 15380 (b), (c), or (d) of the CEQA guidelines. | Project implementation and construction-related activities may result in the disturbance of nesting species protected by the MBTA. Prior to the onset of ground disturbance activities, the City shall implement mitigation measure MM4.3-1, which entails focused surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation. | | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.3-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.3-1. |
| Impact 4.3-3 The proposed project would not conflict with local policies or ordinances protecting biological resources. | Through implementation of mitigation measure MM4.3-1, implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources (e.g., Policies ERC 2.1.9 and ERC 2.1.10 of City's General Plan—Environmental Resource/Conservation Element), which are designed to protect sensitive species and their habitats within the City from development and related construction activities. | | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.3-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.3-1. |
| Cultural Resources | | | |
| Impact 4.4-1 Construction of the proposed project could cause a substantial adverse change in the significance of previously unknown archaeological resources that could be present on the project site. | A records search was conducted by the SCCIC, which included a review of all recorded archaeological sites within a 0.5-mile radius of the project site as well as a review of cultural resource reports on file. No archeological sites were identified on the project site or within a 0.5-mile radius of the project site. Regardless, the lack of findings does not eliminate the potential for archaeological resources to be identified during ground-disturbing activities associated with project implementation. Implementation of mitigation measures MM4.4-1 and MM4.4-2 would require monitoring of construction activities by a qualified professional archaeologist and would require the scientific recovery and evaluation of any archaeological resources that could be encountered, which would ensure that important scientific information that could be provided by these resources regarding history or prehistory is not lost. | | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.4-1 and MM4.4-2. |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | Impact Summary | Findings |
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| Impact 4.4-2 Construction of the proposed project would not destroy a unique paleontological resource or unique geologic feature that could be present on the project site. | Even though previous activities may have involved excavation or other earth-disturbing activities, some paleontologically sensitive rock units underlying the project site may not have been disturbed, despite the possible destruction of surface evidence of their presence. Therefore, the impact resulting from damage to, or destruction of, these resources would be potentially significant, as it makes biological records of ancient life permanently unavailable for study by scientists. Mitigation measures MM4.4-1 and MM4.4-2 require monitoring of construction activities by a qualified paleontologist and require implementation of additional provisional measures in the event that paleontological resources are identified. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with implementation of mitigation measures MM4.4-1 and MM4.4-2. |
| Impact 4.4-3 Construction activities associated with implementation of the proposed project could result in the disturbance of human remains, including those inferred outside of formal cemeteries. | Although no surface evidence has been revealed, the potential for human remains to be located at the site exists and for excavation during construction activities to disturb these resources. To reduce this impact, and as required by law, mitigation measure MM4.4-3 reflects provisional measures if human remains are discovered on the project site. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.4-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure 4.4-3. |
| Geology and Soils | | |
| Impact 4.5-1 Development of the proposed project would not expose people and/or structures to potentially substantial adverse effects, including the risk of loss, injury, or death, involving strong seismic groundshaking and/or seismic-related ground failure, including liquefaction. | The proposed project site is situated in a seismically active area. During the design life of the development, strong ground shaking may occur. Accordingly, the proposed structures and improvements could be adversely impacted by the seismic ground shaking if proper mitigation measures are not implemented. Implementation of CR4.5-1 would require the preparation of a soils and geotechnical report specific to the project site and mitigation measure MM4.5-1 would ensure that the design recommendations identified suggested therein are implemented. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.5-1 and mitigation measure MM4.5-1. |
| Impact 4.5-3 The proposed project would be located on subsidence-prone and potentially liquefiable soils. | The potential for soil liquefaction from earthquake-induced groundshaking at the site was evaluated in a geotechnical investigation of the site taking into account the current and historic groundwater levels and the increase in potential for the groundwater to rise closer to the ground surface. Based on the analysis, liquefaction could induce settlement of as much as 1.0 inch at the site. However, adherence to the City's Municipal Code (CR4.5-1 and CoA4.7-2) would ensure the maximum practicable protection available for structures on the project site. In addition, implementation of MM4.5-1 would further ensure adequate consideration of liquefaction potential at the site. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.5-1, CoA4.7-2, and mitigation measure MM4.5-1. |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | Impact Summary | Findings |
|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Impact 4.5-4 The proposed project could be located on expansive soil.</p> | <p>The soils encountered at the site had a "very high" expansion index. Further, the alluvium and existing fills at the site were considered to pose very high expansion potential risks. Because of the potential for volume changes with fluctuations in moisture, expansive and compressible soils create a risk of distress to pavement, foundation elements, and other structures. However, because the proposed project structures would be designed, constructed, and operated in conformance with Section 1802.2.2 Expansive Soils, of the 2007 CBC and Title 17 Excavation and Grading Code, and because the project would be required to comply with CR4.5-1 and mitigation measure MM4.5-1, potential risks to life and property associated with expansive soils would not be significant.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.5-4 to a less-than-significant level, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.5-1 and mitigation measure MM4.5-1.</p> |
| <p>Hazards</p> | <p>Demolition, grading and excavation activities for the proposed project could result in the exposure of construction personnel and the public to previously unidentified hazardous substances in the soil. If any unidentified sources of contamination are encountered during demolition, grading or excavation, the removal activities required could pose health and safety risks capable of resulting in various short-term or long-term adverse health effects in exposed persons. However, coupled with compliance with existing local, State and federal regulations relating to potentially hazardous materials, implementation of mitigation measure MM4.6-1 would ensure that any potentially hazardous materials that may be discovered during construction activities would be handled so as to minimize potential exposure to construction workers and nearby residents.</p> <p>The project site is located within a designated methane gas overlay district. The City has set minimum requirements for new building construction within the methane overlay districts in order to reduce the hazards presented from accumulations of methane gas by requiring the appropriate testing and mitigation measures for all new buildings within the methane districts. Implementation of mitigation measure MM4.6-2 would ensure appropriate testing and methods of gas reduction, as required by the HBFD.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.6-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.6-1 and MM4.6-2.</p> |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | Impact Summary | Findings |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hydrology and Water Quality | | |
| <p>Impact 4.7-1 Construction and operation of the proposed project could increase stormwater pollutant loads or concentrations, which could result in a violation of water quality standards or a substantial degradation of water quality.</p> | <p>The proposed project would include construction activities, which would temporarily disturb soils. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport from the site. Erosion and sedimentation affects water quality through interference with photosynthesis, oxygen exchange, and the respiration, growth, and reproduction of aquatic species. Additionally, other pollutants, such as nutrients, trace metals, and hydrocarbons, can attach to sediment and be transported downstream, which could contribute to degradation of water quality.</p> <p>During the operational phase of the proposed project, the major source of pollution in stormwater runoff would be contaminants that have accumulated on rooftops and other impervious surfaces, such as parking lots, pedestrian walkways, and the off-site road improvement prior to connecting to the storm drain system. Implementation of existing City requirements and conditions of approval (CR4.7-1 and CoA4.7-1) would reduce potential pollutant loads, assure that appropriate BMPs are used (e.g., constraints on infiltration-type BMPs), that regulatory requirements are met, and any post-construction violation of water quality standards would be less than significant.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the project's adherence to CR4.7-1 and CoA4.7-1.</p> |
| <p>Impact 4.7-2 Implementation of the proposed project could contribute additional sources of polluted runoff.</p> | <p>Operation of the proposed project would not substantially alter site drainage and land use characteristics such that there would be substantial additional sources of polluted runoff. Nonetheless, existing regulations require implementation of a WQMP that would reduce pollutants in stormwater runoff, likely to less than existing conditions. Implementation of City requirement CR4.7-1 would also ensure that pollutants in stormwater runoff are reduced to the maximum extent practicable.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.7-1.</p> |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | Impact Summary | Findings |
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| <p>Impact 4.7-3 Implementation of the proposed project would exceed the capacity of the existing storm drain system.</p> | <p>The proposed project would not cause or contribute to a substantial increase in the exceedance of street flow design capacities of Gothard Street; however, a detailed project site Hydrology and Hydraulic Report has not yet been prepared and alterations in project site drainage characteristics could, therefore increase peak flow rates from the project site and even incrementally small increases in peak flows would be potentially significant. Implementation of CoA4.7-1, which requires the construction of an off-site underground storm drain system to convey water quality treated flows from the project site to the storm drain system in Edinger Avenue, and mitigation measure MM4.7-1, which calls for the preparation and implementation of a hydrology and hydraulics report, as well as a site drainage plan, would ensure impacts are less than significant.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CoA4.7-1 and mitigation measure MM4.7-1.</p> |
| <p>Impact 4.7-4 Implementation of the proposed project would alter the project site runoff characteristics that could result in more on-site erosion and off-site siltation.</p> | <p>During operation of the proposed project, exposed surfaces, including the filled slopes in the eastern portion of the project site, would be required to be stabilized in accordance with Municipal Code, the City of Huntington Beach LIP, and DAMP. The proposed project would also be required to develop and implement an approved project WQMP including post-construction structural and non-structural BMPs for erosion and sediment controls. Implementation of City requirement CR4.7-1 would also include surface stabilization to prevent increased on-site erosion and off-site siltation following implementation of the proposed project.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.7-1.</p> |
| <p>Impact 4.7-5 Implementation of the proposed project would substantially alter the project site runoff characteristics that could result in more flooding on- or off-site.</p> | <p>The project site is currently flat and about 90 percent impervious surfaces that drain as sheet flow to local streets and Gothard Street. The proposed project would substantially alter the project site runoff characteristics. However, with implementation of mitigation measures MM4.7-1 and MM4.7-2 and implementation of CR4.7-1 and CR4.7-2, the potential for increased site runoff for both peak runoff rates and total storm flow volumes would not be substantial.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.7-1, CR4.7-2, and mitigation measures MM4.7-1 and MM4.7-2.</p> |
| <p>Impact 4.7-6 Implementation of the proposed project would place housing within a 100-year flood hazard area.</p> | <p>About 1.3 acres of the eastern portion of the project site is located within a 100-year flood hazard area from failure of the East Garden Grove-Wintersberg Channel as mapped by FEMA. Compliance with CR4.7-2, which includes the elevation of residential construction at least one foot above the base flood elevation, would ensure that the housing proposed under the project would not be subjected to flooding impacts.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-6 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.7-2.</p> |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | Impact Summary | Findings |
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| <p>Impact 4.7-9 Construction of the proposed project would require groundwater dewatering.</p> | <p>The historical high groundwater levels at the project site occur at five feet below ground surface. Consequently, construction dewatering for utilities, foundation excavation and fill, and below-grade parking would be required. However, the soils are very fine-grained and do not tend to allow free flow of water. Therefore, it is unlikely that substantial dewatering would be required during construction. Additionally, coverage under the De Minimis Threat General Permit would include discharge quantity limitations. Furthermore, any potential construction dewatering impacts would be temporary. Therefore, with implementation of CoA4.7-2, the potential impacts as a result of dewatering activities would be minimal.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.7-9 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CoA4.7-2.</p> |
| <p>Noise</p> | <p>During construction activities, noise would be generated through the use of heavy machinery that could affect nearby sensitive receptors, including institutional uses. However, construction-related noise is intermittent in nature and would not generate continuous noise levels above the Municipal Code standards. Furthermore, mitigation measures MM4.9-1, which requires the use of noise attenuation measures such as noise barriers (e.g., sound walls) or noise blankets, and MM4.9-2, which requires that construction staging areas and earthmoving equipment be located as far away from noise and vibration-sensitive land uses as possible, would also reduce construction-related noise levels.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.9-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measures MM4.9-1 and MM4.9-2.</p> |
| <p>Population and Housing</p> | <p>The residential component of the project is anticipated to generate approximately 611 residents, which is based on an average household size of 1.1 persons per studio and loft unit, 1.4 persons per one-bedroom unit, and 2.0 persons per two-bedroom unit. Using SCAG population projections for 2015 (as shown in Table 4.10-1), the City's population is anticipated to increase by approximately 14,572 residents through buildout of the project. As such, the proposed project would account for approximately seven percent of the anticipated growth in this timeframe, or approximately 0.49 percent of the City's projected 2015 population, assuming full occupancy, and would not be considered substantial in light of current population projections. Furthermore, compliance with CR4.10-1 would ensure that adequate affordable housing provisions are made at the project site.</p> | <p>Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.10-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.10-1.</p> |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | Impact Summary | Findings |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cumulative Population and Housing | Although full occupancy of all cumulative residential development would fall below the General Plan buildout numbers, the City's General Plan did not account for residential growth within the project site as well as the Beach-Edinger Corridor boundary as these projects require GPAs. Additionally, it is beyond the scope of this document to assume a buildout year beyond 2015 for all residential projects under the Beach-Edinger Corridor Study since a time frame has not yet been established for that project. Therefore, because full occupancy of all cumulative development could potentially occur by 2015, the overall residential population that could occur would substantially exceed the SCAG population projections. | Finding 3. Because all cumulative residential development would ultimately contribute to the substantial exceedance of SCAG population projections for the City for the 2015 timeframe, The Ripcurl Project would have a considerable contribution to the cumulative impact, and no feasible mitigation is available. |
| Public Services | | |
| Impact 4.11-2 Implementation of the proposed project would not result in the need for new or physically altered police facilities in order to maintain acceptable service ratios. | Although not necessary to maintain sufficient levels of police service, additional personnel and possibly equipment would ensure no change to the ratio of officers to population and response times. The proposed project would contribute funding to the City's general fund in the form of tax revenue, fees, and other ancillary payments. The funds could, in turn, be used by the City to fund additional police officers in order to maintain the existing service ratio of officers to population. Further, on-site security concerns related to the proposed uses would be addressed through the permit process, at which time the HBPD would have the opportunity to review the proposed uses and provide input on necessary security measures. The City actively employs Crime Prevention Through Design (CPTED) recommendations in projects and has projects reviewed by a specialist in this field. Implementation of mitigation measure MM4.11-1 would ensure the safety of residents in the proposed building. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.11-2 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of mitigation measure MM4.11-1. |

| Table 2-1 CEQA Findings for The Ripcurl Project | | |
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| Impact Statement | Impact Summary | Findings |
| Impact 4.11-3 Implementation of the proposed project would not require new or physically altered facilities to accommodate additional students. | Direct population growth resulting from the proposed project would not have an impact on the capacity of schools within the HBUHSD and OVSD, as all three schools serving the project site are currently operating below maximum capacity. Additionally, both Districts anticipate that the enrollment for its schools will be lower in the upcoming years and will continue to decline in the future. Due to declining enrollment within each District, new students generated as a result of this development would not result in overcrowding and would likely help offset the current declining population. With the implementation of City requirements CR4.11-1 and CR4.11-2, fees collected under the authority of SB50 would offset any additional increase in educational demand at the elementary school, middle school and high school serving the project site. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.11-3 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.11-1 and CR4.11-2. |
| Impact 4.11-4 Implementation of the proposed project would not result in the need for new or physically altered library facilities in order to maintain acceptable service ratios. | Upon project implementation, the City's population would increase by approximately 1,060 residents. Implementation of City requirement CR4.11-3 would be required to ensure that these additional residents would not notably affect the current ratio of library staff per resident or items per capita. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.11-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.11-3. |
| Recreation | | |
| Impact 4.12-1 Implementation of the proposed project could increase the use of existing parks or recreational facilities; however, not such that substantial physical deterioration of the facility would occur or be accelerated. | The proposed project does not include dedicated open space or parklands. Rather, private and common open space would be provided through outdoor amenities such as balconies, a pool and spa area, fire pit and movie projection area, and an indoor fitness center, which would be available to residents. The availability of such on-site amenities for future residents could potentially displace the demand on public recreational facilities. However, because the project does not include any designated park land, payment of the applicable open space and park fees, as required by City requirement CR4.12-1, would help acquire, develop, improve, and expand the City's open space and parklands inventory. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.12-1 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.12-1. |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | | Impact Summary | Findings |
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| Transportation/Traffic | | | |
| Impact 4.13-1 Under Year 2014 Conditions, operation of the proposed project would cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. | | The I-405 northbound loop ramp from Beach Boulevard is deficient in both the AM and PM peak hours under future conditions with the proposed project. Further, the project has a significant contribution to this deficiency (more than 0.01) in the AM peak hour. Since traffic would be added to an existing deficiency (LOS E), impacts are considered substantial. There are no physical improvements within the City's jurisdiction that can be made to this facility to improve operations. | <p>Finding 2. The City finds changes or alterations that could reduce the potential impact of the proposed project are within the responsibility and jurisdiction of another public agency and not the agency making the findings.</p> <p>Finding 3. The City finds specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives in the EIR.</p> |
| Impact 4.13-2 Under Year 2030 Conditions, operation of the proposed project would cause an increase in traffic, which is substantial in relation to the forecasted traffic load and capacity of the street system. | | Implementation of The Ripcurl Project would result in an increase in project-related traffic that could be substantial in relation to the forecasted traffic load and capacity of the street system in 2030. Implementation of mitigation measure MM4.13-1 would ensure that operation of the proposed project in the long range would not result in intersections operating below the City of Huntington Beach performance standards. Although mitigation measure MM4.13-1 would reduce long-term impacts to a less-than-significant level, the impacted intersection is owned by Caltrans, and implementation of the proposed mitigation measure at this location would be dependent on factors outside the control of both the City of Huntington Beach and the project Applicant. | Finding 2. The City finds changes or alterations that could reduce the potential impact of the proposed project are within the responsibility and jurisdiction of another public agency and not the agency making the findings. |
| Impact 4.13-5 The project would not substantially increase roadway hazards. | | The potential for roadway hazards can also occur as an inherent result of the placement of additional access points along public roadways. New intersections require adequate sight distance and intersection traffic control in order to minimize potential hazards. In order to ensure safe construction of project intersections, implementation of CR4.13-1 and CR4.13-2 would reduce potential impacts associated with roadway hazards to a less-than-significant level. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.13-5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.13-1 and CR4.13-2. |
| Cumulative Traffic | | Under the current General Plan, in 2030 the proposed project would result in a substantial increase in traffic volume at the intersection of the I-405 Freeway southbound ramps and Center Avenue. As such, the proposed project would be considered cumulatively considerable. Further, although mitigation measure MM4.13-1 would reduce the impact at the I-405 southbound ramps at Center Avenue to a less-than-significant level for project-level impacts, the improvement of this intersection is outside the control of both the City of Huntington Beach and the project Applicant. | <p>Finding 2. The City finds changes or alterations that could reduce the potential impact of the proposed project are within the responsibility and jurisdiction of another public agency and not the agency making the findings.</p> |

Table 2-1 CEQA Findings for The Ripcurl Project

| Impact Statement | Impact Summary | Findings |
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| Utilities and Service Systems | | |
| Impact 4.14-4 Implementation of the proposed project could require new sewer connections, and could require or result in the construction of new or expanded conveyance systems. | The proposed project would increase the amount of wastewater generated in the area and would potentially increase the demand for wastewater conveyance infrastructure. The OCSD did not provide an official "will serve letter" for the project; however, based on their peak flow model there is approximately 0.6 mgd capacity in the 15-inch sewer line at Goldenwest Street and Heil Avenue and 4 mgd capacity in the 69-inch trunk line in Center Avenue at the Old Hoover alignment. Implementation of CR4.14-1 would require that a sewer study is conducted to determine if the existing sewer lines would require upgrades to ensure that the construction of new or expanded wastewater conveyance systems would not cause significant environmental effects. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.14-4 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.14-1. |
| Impact 4.14-5 Implementation of the proposed project would include new stormwater treatment control BMPs, the operation of which would not result in significant environmental effects. | The proposed project would involve the construction and operation of stormwater treatment control Best Management Practices (BMPs) that would be identified in a Stormwater Pollution Prevention Plan (SWPPP), which would be a part of the project's Water Quality Management Plan (WQMP). The City has general/standard conditions of approval to protect receiving water quality from short- and long-term impacts of new development and significant redevelopment, which include CR4.14-2 and CR4.14-3. Since stormwater treatment control BMPs must be in conformance with approved plans and specifications of appropriate agencies, operations would not be anticipated to result in significant environmental effects including, but not limited to, vectors or odors. | Finding 1. The City finds that the identified changes or alterations in the project, which would reduce Impact 4.14-5 to less-than-significant levels, are hereby incorporated into the project. No additional mitigation measures are necessary with the implementation of CR4.14-2 and CR4.14-3. |

CHAPTER 3 Findings Regarding the Rejected Project and Project Alternatives

3.1 INTRODUCTION

The EIR prepared for The Ripcurl Project considered four separate alternatives to the proposed project. Pursuant to Section 15126.6(a) of the CEQA Guidelines, the primary intent of an alternatives evaluation is to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

As discussed in Chapter 2, the project as originally proposed and analyzed in the Draft EIR has been rejected from further consideration. A Modified Reduced Project Alternative Option 2 is more desirable than the proposed project and has been recommended by City staff to become the recommended project and replace the original project. The Modified Reduced Project Alternative Option 2 would allow for development of 385 residential units and up to 10,000 square feet of commercial uses. All other elements of the project as originally proposed would remain as presented in the EIR.

In the Years 2014 and 2030, significant and unavoidable impacts at Caltrans intersections would occur under both the project as originally proposed and Modified Reduced Project Alternative Option 2. However, allowing for only 385 residential units under Modified Reduced Project Alternative Option 2 would result in a reduction of PM peak hour trip generation by approximately 12 percent. Therefore, Modified Reduced Project Alternative Option 2 would reduce the cumulative impacts created at the I-405 Freeway Southbound ramps and Center Avenue to less than significant levels, whether or not the Village at Bella Terra Project is approved. Additionally, as shown in the table below, Modified Reduced Project Alternative Option 2 would require additional parking due to an increase in 2-bedroom units.

| Table 3-1 Modified Reduced Project Alternative Option 2 Parking Requirements | | | |
|-------------------------------------------------------------------------------------|----------------------|--------------------------------------|---------------------------------------|
| <i>Use Classification</i> | <i>Proposed Uses</i> | <i>HBZSO Requirements (existing)</i> | <i>TCD Requirements (as proposed)</i> |
| Studio | 50 | 1 space (50) | 1 space (50) |
| One Bedroom | 135 | 1 space (135) | 1 space (135) |
| Two Bedroom | 185 | 2 spaces (370) | 2 spaces (370) |
| Live/Work Units | 15 | 1 space (15) | 1 space (15) |
| Guests | N/A | 0.5 space/unit (220) | 1 space/10 units (39) |
| Commercial | 10,000 sf | 1 space/200 sf (50) | 1 space/200 sf (50) |
| Extra | N/A | N/A | N/A |
| Total | N/A | 840 spaces | 659 spaces |

This chapter describes the project objectives and design criteria used to reject the originally proposed project, develop and evaluate project alternatives presented in the Draft EIR, and recommend the

Modified Reduced Project Alternative Option 2. A description of the alternatives compared to the originally proposed project and the findings regarding the feasibility of adopting the described alternatives is presented for use by the City in the decision-making process.

3.2 PROJECT OBJECTIVES

The objectives of the project as originally proposed and identified by the City, as well as those of Modified Reduced Project Alternative Option 2 are as follows:

- Establish zoning standards and implementation mechanisms applicable to mixed-use developments consistent with the policies and development framework of the City's General Plan and Zoning and Subdivision Ordinance to maximize land use opportunities.
- Create a development that is compatible with and sensitive to the existing land uses in the project area.
- Promote residential and commercial buildings that convey a high quality visual image and character.
- Enhance the community image of Huntington Beach through the design and construction of high quality development consistent with the Urban Design Element of the City's General Plan.
- Ensure adequate utility infrastructure and public services for new development.
- Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.
- Provide for the development of mixed-use projects that integrate residential and commercial uses and ensure compatibility of these uses.
- Mitigate environmental impacts to the greatest extent possible.

Additionally, the objectives of the proposed project, as identified by the Applicant are as follows:

Community Objectives

- Support regional mobility goals by encouraging development in and around current and future potential transportation and activity centers, thereby reducing vehicle trips and infrastructure costs, and encouraging the expansion and improvement of public transportation service.
- Provide local residents and college students, faculty, and staff with a luxury living alternative, and attract high-income renters from other areas whose spending power and consumption habits will provide support for surrounding retail businesses.
- Accommodate demand for Class-A market rate rental housing otherwise unmet in the community.

Development and Site Design Objectives

- Create a high-quality, mixed-use development that offers unique urban living experiences while promoting an active pedestrian environment and access to restaurant and retail uses in the area.
- Maximize utilization of a uniquely located development opportunity by locating density where it is self-mitigating through resident access to campus and transit.
- Provide for the development of an underutilized site and replace the visual blight of existing strip retail with the visual excitement of new, top-rate development.
- Improve the open space environment through the addition of open spaces and increased landscaping including new landscaped podiums and pathways, some of which will be accessible not only to the residents, but also to the public.

- Capitalize on future potential commuter rail service by locating development along the likely route of the Union Pacific rail line.
- Provide parking with direct access to the development.
- Create affordable housing through on-site and directly subsidized off-site units.
- Create a mixed-use development that maximizes opportunities for green building and environmentally sound design.

Economic Objectives

- Maximize the value of the currently underutilized site through the development of new housing and retail uses, consistent with anticipated market demands.
- Accommodate sufficient residential density to make demolition of an operating retail and office asset financially feasible.
- Achieve high retail rents by providing a base of captive on-site customers and a smaller but upgraded offering of establishments.
- Achieve premium apartment rents by meeting the high market demand for housing that is close to retail, office, education, and transportation.
- Accommodate future economic expansion by providing high density housing and retail within a community that has the necessary infrastructure to support the development.
- Strengthen the economic vitality of the region by attracting new workers, through construction, rehabilitation, and operation of the project.

3.3 SELECTION OF ALTERNATIVES

The range of feasible alternatives was selected and discussed in a manner to foster meaningful public participation and informed decision-making. Among the factors that were taken into account when considering the feasibility of alternatives (as described in CEQA Guidelines Section 15126.6[f][1]) were environmental impacts, economic viability, availability of infrastructure, regulatory limitations, jurisdictional boundaries, and attainment of project objectives. As stated in Section 15126.6(a) of the CEQA Guidelines, an EIR need not consider an alternative whose effects could not be reasonably identified, whose implementation is remote or speculative, or one that would not achieve the basic project objectives. The analysis includes sufficient information about each alternative to provide meaningful evaluation, analysis and comparison with the proposed project.

3.4 PROJECT AND ALTERNATIVE FINDINGS

The following is a description of the alternatives evaluated in comparison to the proposed project, as well as a description of the specific economic, social, or other considerations that make them infeasible for avoiding or lessening the impacts. The City finds that the adoption of any of the alternatives to the project is infeasible. The reasons for each finding are provided following the description of the alternative, and are further described in the Draft EIR.

3.4.1 The Rejected Originally Proposed Project

The proposed project involves the construction of a mixed-use residential and commercial development that would consist of four levels of residential uses over street-level neighborhood commercial uses in

two six-story structures. Parking would be provided on-site; one level of parking would be below-grade, and two levels of parking would be above-grade. A total of 705 parking spaces would be provided for residences and visitors. The commercial component would be located on the ground level adjacent to the above grade parking. A mezzanine level would also be located on the roof. Overall, the proposed project would consist of 440 residential units and up to 10,000 square feet (sf) of street level commercial uses. The total project floor area, excluding parking and basement area would be approximately 382,700 sf.

Although the original project that was analyzed in the July 8, 2008 Draft EIR would meet the objectives of the Applicant, it would create significant and unavoidable project-related traffic impacts to the surrounding area, which led staff to prepare a Modified Reduced Project Alternative Option 2 that would avoid the traffic impacts that the original project would create. Under the original project, the site would be developed under a General Plan Amendment, Zoning Map Amendment and Zoning Text Amendment.

The primary difference between the proposed project and the Modified Reduced Project Alternative Option 2 is that the proposed project would result in 440 residential units, and the Modified Reduced Project Alternative Option 2 would result in 385 residential units; both would result in 10,000 square feet of commercial uses.

Findings

The City hereby finds that the Proposed Project is infeasible for the following environmental, economic, social, and other considerations:

- Would result in significant and unavoidable cumulative traffic/transportation impacts at the I-405 Freeway Southbound ramps and Center Avenue intersections. Modified Reduced Project Alternative Option 2 would reduce the cumulative impacts created at the I-405 Freeway Southbound ramps and Center Avenue to less than significant levels, whether or not the Village at Bella Terra Project is approved. Therefore, the originally proposed project is less desirable than Modified Reduced Project Alternative Option 2 and the City rejects this proposal. The proposed project would result in more severe environmental impacts without a substantial increase in project benefits when compared to Modified Reduced Project Alternative Option 2.

3.4.2 The Ripcurl Project Alternatives

As shown below and in Chapter 6 (Alternatives) of the Draft EIR, four alternatives were evaluated in comparison to the proposed project. The environmental advantages and disadvantages of each of these alternatives are described. The alternatives that were selected for analysis include:

- **Alternative 1: No Project/No Development Alternative**—In addition to alternative development scenarios, Section 15126.6(e) of the CEQA Guidelines requires the analyses of a “no project” alternative. The purpose of examining such an alternative is to allow decision-makers to compare the effects of approving the project with the effects on not approving the project. For the purposes of this analysis, the “no project” alternative would serve as a “no development” alternative with the site remaining in its existing condition. This would include the continuation of the existing 30,000 square feet (sf) of retail use and 30,000 sf of office use, with 80 percent occupancy. The existing retailers would remain, with no improvements occurring at the site.

- **Alternative 2: No Project/Continuation of Uses Allowed By Existing General Plan—** Consistent with Section 15126.6(e)(3)(C) of the CEQA Guidelines, this alternative assumes the site would remain as commercial general (CG-F1-d) as identified in the existing General Plan. However, under this alternative growth could occur through existing permitted development or increased tenant use, as the site is currently 80 percent leased. In general, no new environmental effects would directly result from the selection of this alternative. Maintenance of the project site in its present state would avoid the environmental impacts identified for the proposed project. In general, no significant and adverse environmental impacts directly or cumulatively associated with Alternative 2 are anticipated, although slight increases in traffic resulting from increased tenant occupancy could occur.
- **Alternative 3: Reduced Project Alternative-Option 1—**This alternative assumes a reduced intensity of the project elements at the same project site. Under this alternative, The Ripcurl Project would preserve the planned 440 residential units and eliminate the 10,000 sf of retail use.
- **Alternative 4: Reduced Project Alternative-Option 2—**This alternative assumes a reduced intensity of the project elements on the same project site. Under this alternative, The Ripcurl Project would be reduced to 385 residential units and 8,500 sf of commercial/retail space.

■ Alternatives Considered but Eliminated from Further Evaluation

An additional alternative was initially considered but found to be infeasible. Initially, the City considered an alternative location for the project as being a feasible alternative. Given that the City of Huntington Beach is a highly urbanized area, underdeveloped or vacant land parcels of similar size to the project site are limited. Additionally, moving the project to another location would not satisfy many of the project objectives; nor would it reduce significant and unavoidable impacts to traffic conditions. For example, one of the objectives is to support regional mobility goals by placing the site close to transit and activity centers, which thereby limits the potential for alternative locations. No vacant sites would be suitable to provide retail and residential use in close proximity to transit centers like the Golden West Transportation Center while simultaneously serving Golden West College and providing access to regional activity centers like the existing Bella Terra Mall and The Village at Bella Terra, proposed east and southeast of the project site. In addition, there are a number of other project objectives that could not be served at other locations. For example, the project is designed to create a pedestrian-friendly complement to Golden West College by providing resident- and student-serving retail uses along with providing local density with access to regional freeways, such as I-405. No other feasible locations are available in the City to successfully complete both of these objectives. Therefore, this alternative was rejected as infeasible.

■ No Project/No Development Alternative

Section 15126.6(e) of the CEQA Guidelines requires the analyses of a “no project” alternative. The purpose of examining such an alternative is to allow decision-makers to compare the effects of approving the project with the effects on not approving the project. This “no project” analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not to be approved. For a development project (such as The Ripcurl Project), this analysis generally focuses upon the property remaining in its existing state. The No Project/No Development Alternative represents the status quo; the project site would continue with the 60,000 sf of retail and

office use, while remaining at 80 percent capacity. Further, the existing tenants would remain unchanged. The vacant space would remain vacant, and the employment levels would remain as they are. No residential uses or improvements to the site would occur.

In general, no new environmental effects would directly result from the selection of this alternative. Maintenance of the project site in its present state would allow the on-site uses to continue. Recent trends show a decline in patron use of strip malls. As a result, blight could occur at the project site under this alternative. The site would not be developed with new uses, as it is currently developed as a commercial/retail site, and no demolition activities would occur. Traffic impacts, in particular those associated with the I-405 Freeway southbound ramps at Center Avenue, which would be significant and unavoidable for the proposed project would be eliminated. No increase in traffic impacts would occur above what currently exists as the site would not include additional uses. The site would remain visually as-is, eliminating changes to the visual character and land uses on site. However, the introduction of a high-density mixed-use project near an existing transit center would also not occur. Although no significant and adverse environmental impacts directly or cumulatively associated with this alternative would occur, it is possible that if continuing uses elicited a sharp decline in patronage of the strip mall, then blight could eventually occur, which could lead to future environmental impacts. However, the analysis of such potential impacts is considered speculative.

Under this alternative, the mixed-use project would not be constructed. As a result, only one of the seventeen identified project objectives would be obtained by implementation of this Alternative, as no new retail or residential uses would be developed. While this alternative may result in a reduction of most environmental impacts associated with the proposed project, it would not satisfy the identified project objectives.

Findings

The City hereby finds that the No Project/No Development Alternative is infeasible for the following environmental, economic, social, and other considerations:

- Would not create a mixed-use development that is compatible with and sensitive to the existing land uses in the project area.
- Would not enhance the community image of Huntington Beach through the design and construction of high quality development consistent with the Urban Design Element of the City's General Plan.
- Would not further enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

■ No Project/Continuation of Uses Allowed By Existing General Plan

This alternative assumes the development level articulated in the City's General Plan (1996). Currently, the project site has a General Plan designation of CG-F1-d (Commercial General), which establishes a floor area ratio (FAR) of 0.35 for the site and a design overlay that permits underlying land uses to be designed in accordance with special design standards. The project site currently has a zoning designation of CG (Commercial General), which provides opportunities for a full range of retail and service businesses and is consistent with the General Plan. With a project site of 3.8 acres (approximately

165,500 sf), roughly 60,000 sf of commercial use could be developed. Therefore, no additional development would be anticipated to occur on the site as a result of this Alternative.

As with Alternative 1, this Alternative is not anticipated to result in any new environmental effects. The project site would remain as is, as the existing use represents full build-out of the General Plan. The only environmental impacts that could be anticipated to occur as a result of Alternative 2 would be an increase in traffic, which could result in subsequent air quality and noise impacts. However, full build-out of the project site under the existing General Plan is not anticipated to result in any greater traffic volumes than those anticipated for the proposed project. As one significant and unavoidable impact relating to traffic volumes was identified for the proposed project (both project-specific and cumulatively), Alternative 2 may also result in a significant environmental impact. However, overall traffic impacts would be less because there would be no construction-related truck trips. Air quality and noise impacts from traffic would be less than that identified for the proposed project because construction activities would not be required to increase tenant occupancy rates.

Under this alternative, the mixed-use project would not be constructed. As a result, only one of the seventeen identified project objectives would be obtained by implementation of this Alternative, as no new retail or residential uses would be developed. Similar to Alternative 1, while this Alternative may result in a reduction of most environmental impacts associated with the proposed project, it would not satisfy the identified project objectives.

Findings

The City hereby finds that the No Project/Continuation of Uses Allowed By Existing General Plan Alternative is infeasible for the following environmental, economic, social, and other considerations:

- Would not create a mixed-use development that is compatible with and sensitive to the existing land uses in the project area.
- Would not enhance the community image of Huntington Beach through the design and construction of high quality development consistent with the Urban Design Element of the City's General Plan.
- Would not further enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

■ Reduced Project—Option 1

This Alternative assumes a reduced intensity of development through an elimination of retail use on the same project site. Under this Alternative, 440 residential units would be developed on the project site. These units would include: 151 studio units, 190 one-bedroom units, 88 two-bedroom units, and 11 live-work lofts. However, unlike the proposed project, Alternative 3 would not include retail use on the site, but the estimated 7,000 sf residential leasing office would remain. Therefore, the Project's overall size would be reduced by 10,000 sf.

Implementation of Alternative 3 would satisfy some, but not all of the identified project objectives. Under this Alternative, 440 residential units would be developed on the project site. This would satisfy all objectives related to the development of dense residential uses within close proximity to transit, schools,

and regional activities. However, objectives related to the creation of a mixed-use development with retail uses would not be met. One example of such an objective is to enliven the area and provide pedestrian-friendly retail to both students of Golden West College and the residential uses at The Ripcurl Project.

This Alternative would not fulfill all of the project objectives identified for the project. While this Alternative may result in a slight reduction of most environmental impacts, it would not necessarily reduce the significance of the impacts below those of the proposed project.

Findings

The City hereby finds that the Reduced Project/Option 1 Alternative is infeasible for the following environmental, economic, social, and other considerations:

- Would not create a mixed-use development that is compatible with and sensitive to the existing land uses in the project area.
- Would not further enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

■ Reduced Project—Option 2

This Alternative assumes a reduced intensity of development for both the residential and retail components. Under this Alternative, 385 residential units would be developed on the project site, a reduction of 55 total units from the proposed project. These units would include: 50 studio units, 135 one-bedroom units, 185 two-bedroom units, and 15 live-work lofts. Additionally, Alternative 4 would reduce the amount of retail space by 1,500 sf, to a total of 8,500 sf of retail. The estimated 7,000 sf residential leasing office would remain. Therefore, the project's overall size would be reduced by approximately 1,500 sf of retail space and 55 residential units, or more than a 12 percent reduction in residential uses and a 15 percent reduction in commercial uses when compared to the proposed project.

Implementation of Alternative 4 would satisfy all of the identified project objectives. Under this alternative, 385 residential units and 8,500 sf of retail space would be developed on the project site. This would satisfy all objectives relating to developing dense residential uses within close proximity to transit, schools, and regional activities while offering close proximity to retail opportunities.

Implementation of this Alternative would reduce the significant and unavoidable traffic impact caused by the proposed project to a less-than-significant level.

Findings

The City hereby finds that the Alternative Site is infeasible for the following environmental, economic, social, and other considerations:

- Would not provide the same level of residential and commercial/retail uses at the project site.

CHAPTER 4 Statement of Overriding Considerations

4.1 INTRODUCTION

Section 15093 of the CEQA guidelines states:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reason to support its actions based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination.

The City of Huntington Beach (City) proposes to adopt a Statement of Overriding Considerations regarding the significant project-specific traffic impacts and cumulative population/housing impacts of the Modified Reduced Project Alternative Option 2. Although all project-level impacts are reduced to less-than-significant levels, this section describes the anticipated economic, social, and other benefits or other considerations of the proposed project to support the decision to proceed with the project even though two identified project-specific impacts and two identified cumulative impacts are not mitigated to a less-than-significant level.

4.2 SIGNIFICANT ADVERSE IMPACTS

The City is proposing to approve the Modified Reduced Project Alternative Option 2, with revisions to reduce environmental impacts, and has prepared an EIR required by CEQA. Even with revisions in the project, the following impacts are unavoidable because it has been determined that no feasible mitigation is available or the mitigation that could be implemented is outside the purview of the City and the Applicant. Refer to Chapter 2 (CEQA Findings) for further clarification regarding the impacts listed below.

Population and Housing

- Cumulative development within the project area, including The Ripcurl Project, could result in an increase of approximately 7,645 to 7,820 new residential units. Because all cumulative residential development would ultimately contribute to the substantial exceedance of SCAG population projections for the City for the 2015 timeframe, The Ripcurl Project, due to its size, would have a

considerable contribution to the cumulative impact. Therefore, the cumulative impact is considered significant and unavoidable.

Transportation/Traffic

- In the Year 2014, the I-405 northbound loop ramp from Beach Boulevard is deficient in both the AM and PM peak hours. The Ripcurl Project has a significant contribution to this deficiency (more than 0.01) in the AM peak hour. Since traffic would be added to an existing deficiency (LOS E), this impact is considered significant and unavoidable.
- Implementation of The Ripcurl Project would result in an increase in project-related traffic that could be substantial in relation to the forecasted traffic load and capacity of the street system in 2030. Specifically, the The Ripcurl Project has a long-range significant impact at the intersection of the I-405 southbound ramps at Center Avenue during the PM peak hour. Although mitigation measure MM4.13-1 would reduce long-term impacts to a less-than-significant level, the impacted intersections are owned by Caltrans, and implementation of the proposed mitigation measures at these locations would be dependent on factors outside the control of both the City of Huntington Beach and the project Applicant. A General Plan Amendment (GPA) is currently being processed for The Village at Bella Terra Project, which would reduce the PM peak hour trip generation such that the impacted intersection would no longer be impacted by The Ripcurl Project. However, approval of that project cannot be guaranteed. In addition, the project contributes traffic to 2030 deficiencies on I-405.
- Because implementation of mitigation measure MM4.13-1 cannot be guaranteed, a cumulatively significant impact would also occur at the intersection of the I-405 southbound ramps and Center Avenue under the current General Plan in 2030.

4.3 FINDINGS

The City has evaluated all feasible mitigation measures and project revisions with respect to the project's impacts, both project-specific and cumulative (see Chapter 2, CEQA Findings). The City has also examined a reasonable range of alternatives to the proposed project (see Chapter 3, Findings Regarding Project Alternatives). Based on this examination, the City has determined that because of its reduced intensity, Modified Reduced Project Alternative Option 2 is considered to be the environmentally superior alternative. All of the other alternatives listed above would potentially result in lesser environmental impacts than the recommended project, although not necessarily less than significant. However, the City finds these alternatives infeasible and less desirable than the recommended project and has rejected these alternatives from further consideration because they would not achieve the environmental, economic, social, and other considerations outlined in Chapter 3 (Findings Regarding Project Alternatives).

4.4 OVERRIDING CONSIDERATIONS

Specific economic, social, or other considerations outweigh the cumulative population and housing and project-specific traffic/transportation impacts stated above. The reasons for proceeding with Modified Reduced Project Alternative Option 2, even though identified project-specific and cumulative impacts are not fully mitigated to a less-than-significant level, are described below.

■ Project Benefits

The Modified Reduced Project Alternative Option 2 would provide a new, optimally located state-of-the-art mixed use development that would be located in close proximity to transit uses and would serve as a model for modern residential development.

1. The project would establish zoning standards and implementation mechanisms applicable to mixed-use developments consistent with the policies and development framework of the City's General Plan and Zoning and Subdivision Ordinance to maximize land use opportunities.
2. The project would promote residential and commercial buildings that convey a high quality visual image and character, as well as provide for the development of mixed-use projects that integrate residential and commercial uses and ensure compatibility of these uses.
3. The project emphasizes compatibility and sensitivity to the existing uses surrounding the site and would include a variety of sustainable features, such as drought-tolerant landscaping, waterless urinals, roofing materials, and installation of low-flush water devices. The City is actively pursuing the feasibility of including additional features that would bring the building closer to LEED certification.
4. The project will maintain and enhance the community image of Huntington Beach through the design and construction of high quality development consistent with the Urban Design Element of the City's General Plan.
5. The project would foster walkability and reduced vehicle trips by locating close to an established transit center, college and shopping and other services.
6. The project would provide luxury apartments, filling an unmet niche in terms of housing production in the City as well as improving the supply of rental housing in the City.
7. The project will provide the equivalent of 10 percent of the units as affordable housing, consistent with City requirements.

City of Huntington Beach

The Ripcurl Project

Final Environmental Impact Report:
SCH No. 2008011069

Mitigation Monitoring and Reporting Program

Prepared for
City of Huntington Beach
Planning Department
2000 Main Street, Third Floor
Huntington Beach, California 92648

Prepared by
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September 2008

ATTACHMENT NO. 12.1

Mitigation Monitoring Program

A. INTRODUCTION

The Final Environmental Impact Report for The Ripcurl Project (State Clearinghouse #2008011069) identified mitigation measures to reduce the adverse effects of the project in the areas of: aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, and transportation/traffic.

The California Environmental Quality Act (CEQA) requires that agencies adopting environmental impact reports ascertain that feasible mitigation measures are implemented, subsequent to project approval. Specifically, the lead or responsible agency must adopt a reporting or monitoring program for mitigation measures incorporated into a project or imposed as conditions of approval. The program must be designed to ensure compliance during applicable project timing, e.g. design, construction, or operation (Public Resource Code §21081.6). Code Requirements (CRs) that were identified in the Draft EIR are required to be implemented as a result of existing City code and are not considered mitigation measures. Therefore, CRs would be implemented for The Ripcurl Project but these do not require monitoring activity, and are not included in this Mitigation Monitoring and Reporting Program (MMRP).

The MMRP shall be used by the City of Huntington Beach staff responsible for ensuring compliance with mitigation measures associated with The Ripcurl Project. Monitoring shall consist of review of appropriate documentation, such as plans or reports prepared by the party responsible for implementation or by field observation of the mitigation measure during implementation.

The following table identifies the mitigation measures by resource area. The table also provides the specific mitigation monitoring requirements, including implementation documentation, monitoring activity, timing and responsible monitoring party. Verification of compliance with each measure is to be indicated by signature of the mitigation monitor, together with date of verification.

The Project Applicant and the Applicant's Contractor shall be responsible for implementation of all mitigation measures, unless otherwise noted in the table.

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------|------|
| Aesthetics | | | | | | |
| MM4.1-1 To the extent feasible, the Applicant shall use non-reflective façade treatments, such as matte paint or glass coatings. Prior to issuance of building permits for the proposed project, the Applicant shall indicate provision of these materials on the building plans. | Project building plans | Review and approve building plans for inclusion of features | Plan check prior to issuance of building permit | Planning | | |
| Air Quality | | | | | | |
| MM4.2-1 During construction, operators of any gas or diesel fueled equipment, including vehicles, shall be encouraged to turn off equipment if not in use or left idle for more than five minutes. | Contract language and notes on grading and building plans | Review and approve contract specifications, grading and building plans for inclusion | Plan check prior to issuance of a grading permit Perform periodic field check during construction to ensure compliance | Planning | | |
| MM4.2-2 The Applicant shall require by contract specifications that the architectural coating (paint and primer) products used would have a low VOC rating. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed by the City prior to issuance of a building permit. | Contract language and notes on building plans | Review and approve contract specifications and building plans for inclusion | Plan check prior to issuance of a building permit | Planning | | |
| Biological Resources | | | | | | |
| MM4.3-1 Nesting habitat for protected or sensitive avian species: 1. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible. 2. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys | Developer shall submit construction schedule (including grading activities) as evidence of construction overlap with breeding season. If construction occurs during relevant breeding, developer shall present a survey | Review schedule and field survey report, and as necessary, review and approve plans indicating construction limits Perform periodic field check to | Plan check prior to issuance of a grading permit During construction | Planning Planning | | |

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------|------|
| <p>will be conducted in accordance with CDFG protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds) a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or USFWS.</p> <p>3. Completion of the nesting cycle shall be determined by qualified ornithologist or biologist.</p> | <p>report (prepared by a consultant approved by the City) to the City prior to issuance of a grading permit. If nests are found, developer shall submit plans identifying nest locations and limits of construction activities.</p> | <p>ensure compliance</p> | | | | |
| Cultural Resources | | | | | | |
| <p>MM4.4-1 The Applicant shall arrange for a qualified professional archaeological and paleontological monitor to be present during all project-related ground-disturbing activities. In addition, all construction personnel shall be informed of the need to stop work on the project site in the event of a potential find, until a qualified archaeologist or paleontologist has been provided the opportunity to assess the significance of the find and implement appropriate measures to protect or scientifically remove the find. Construction personnel will also be informed that unauthorized collection of cultural resources is prohibited.</p> | <p>Proof of retention of archaeological and paleontological monitor</p> | <p>Verify retention of qualified monitors</p> <p>Periodic field check to ensure monitors are present</p> | <p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p> | <p>Planning</p> <p>Planning</p> | | |

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|
| <p>MM4.4-2 If archaeological or paleontological resources are discovered during ground-disturbing activities, all construction activities within 50 feet of the find shall cease until the archaeologist/paleontologist evaluates the significance of the resource. In the absence of a determination, all archaeological and paleontological resources shall be considered significant. If the resource is determined to be significant, the archaeologist or paleontologist, as appropriate, shall prepare a research design for recovery of the resources in consultation with the State Office of Historic Preservation that satisfies the requirements of Section 21083.2 of CEQA. The archaeologist or paleontologist shall complete a report of the excavations and findings, and shall submit the report for peer review by three County-certified archaeologists or paleontologists, as appropriate. Upon approval of the report, the City shall submit the report to the South Central Coastal Information Center at California State University, Fullerton, and keep the report on file at the City of Huntington Beach.</p> | <p>Notes on grading plans</p> <p>Research design and recovery plan, if required</p> | <p>Review and approve grading plans for inclusion</p> <p>Review and approve research design and recovery plan</p> | <p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p> | <p>Planning</p> <p>Peer review by three County-certified professionals</p> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> | <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |
| <p>MM4.4-3 In the event of the discovery of a burial, human bone, or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately, the area of the find shall be protected, and the Applicant shall immediately notify the City and the Orange County Coroner of the find and comply with the provisions of P.R.C. Section 5097. If the human remains are determined to be prehistoric, the Coroner will notify the NAHC, which will determine and notify a Most Likely Descendant (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and non-destructive analysis of human remains and items associated with Native American burials.</p> | <p>Notes on grading plans</p> | <p>Review and approve grading plans for inclusion</p> | <p>Plan check prior to issuance of grading permit</p> <p>Throughout ground-disturbing activities</p> | <p>Orange County Coroner & Planning</p> | <p>_____</p> <p>_____</p> | <p>_____</p> <p>_____</p> |
| Geology and Soils | | | | | | |
| <p>MM4.5-1 The grading plan prepared for the proposed project shall contain the recommendations of the final soils and geotechnical report. These recommendations shall be implemented in the design of the project, including but not limited</p> | <p>Notes on grading plan and building plans</p> | <p>Review and approve grading and building plans for inclusion of</p> | <p>Plan check prior to issuance of a grading permit</p> | <p>Public Works</p> | <p>_____</p> | <p>_____</p> |

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
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| to measures associated with site preparation, fill placement, temporary shoring and permanent dewatering, groundwater seismic design features, excavation stability, foundations, soil stabilization, establishment of deep foundations, concrete slabs and pavements, surface drainage, cement type and corrosion measures, erosion control, shoring and internal bracing, and plan review. | | final soils and geotechnical recommendations | | Building and Safety | | |
| Hazardous Materials | | | | | | |
| <p>MM4.6-1 In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the project area, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that (1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and (2) describes measures to be taken to protect workers, and the public from exposure to potential site hazards. Such measures could include a range of options, including but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.</p> | Risk Management Plan & Site Health and Safety Plan | Review and approve any grading plans for inclusion | Plan check prior to issuance of any grading permit | Fire | | |

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
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| MM4.6-2 Prior to the issuance of grading permits, the project shall comply with HBFD City Specification #429, Methane District Building Permit Requirements. A plan for the testing of soils for the presence of methane gas shall be prepared and submitted by the Applicant to the HBFD for review and approval, prior to the commencement of sampling. If significant levels of methane gas are discovered in the soil on the project site, the Applicant's grading, building and methane plans shall reference that a sub-slab methane barrier and vent system will be installed at the project site per City Specification #429, prior to plan approval. If required by the HBFD, additional methane mitigation measures to reduce the level of methane gas to acceptable levels shall be implemented. | Methane Testing Plan Notes on building and methane plans | Review and approval of testing plan Review and approve building and methane gas plans for appropriate documentation | Prior to commencement of sampling Prior to issuance of any grading permit and during construction | Fire Fire | | |

Hydrology and Water Quality

| | | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------------------|----------|----------|
| CoA4.7-1 The project developer shall construct an underground storm drain pipe along the east side of Gothard Street from Center Avenue to Edinger Avenue to connect to the existing, underground Edinger Avenue storm drain pipe. Based on a Final Hydrology and Hydraulics Report, the new Gothard Street underground storm drain facility sizing and design shall be targeted to convey the highest storm event exceedance flow rates along Gothard Street at full build-out of the General Plan, including contributions from any permanent groundwater dewatering system. The proposed project onsite storm drainage system shall be designed to convey all water quality treated flow directly into the new underground storm drain pipe along Gothard Street. | Improvement Plans | Review and approval of improvement plans | Plan check prior to issuance of grading permit | Public Works | | |
| MM4.7-1 The Applicant shall prepare a Hydrology and Hydraulics Report and Drainage Plan that incorporates stormwater attenuation to reduce project site runoff to meet City design standards for stormflow in Gothard Street. Prior to receiving a precise grading permit, the Applicant shall prepare an Hydrology and Hydraulics Report detailing proposed project peak runoff rates for the 10-, 25-, 50-, and 100 year design storm events to Gothard Street, including contributions | Hydrology and Hydraulic Report and Drainage Plan Groundwater | Review and approve plan and documentation Review and | Prior to issuance of a precise grading permit Prior to issuance of a grading permit and | Public Works Building & Safety | | |

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
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| <p>from any permanent groundwater dewatering that may be implemented by the proposed project. This Hydrology and Hydraulics Report shall also identify the existing available capacity for flow in Gothard Street for the design storms and evaluate the existing capacity in and potential impacts to the Edinger Avenue system, Murdy Channel, and East Garden Grove-Wintersburg Channel.</p> <p>Based on the Hydrology and Hydraulics Report, the Applicant shall prepare a Drainage Plan that shall incorporate sufficient stormwater attenuation such that the City design standards for flow in Gothard Street are not exceeded. It is expected that this may require underground detention facilities. However, detention in underground parking structures shall not be allowed and surface ponding shall be limited to a maximum depth of 8 inches. Attenuation shall be designed for back to back 24-hour storm design storm events that development of the proposed project would increase peak runoff rates for.</p> <p>If either above-ground or below-ground detention facilities are proposed, the Applicant shall consult with the Department of Public Works and vector control agency to develop a design that will be sufficient for stormwater detention but will not present a human health or environmental hazard.</p> <p>A qualified engineer of the Public Works Department shall approve this Hydrology and Hydraulics Report and Drainage Plan prior to issuance of a precise grading permit. The site Drainage Plan shall be coordinated with the WQMP to maximize efficiency of stormwater runoff detention/retention and water quality treatment.</p> <p>The Building and Safety Department shall evaluate any proposed permanent groundwater dewatering system to ensure that it would function as required. Following construction, the Building and Safety Department shall verify that any groundwater dewatering system has been implemented as required.</p> | Dewatering System Plan | approve dewatering system | following completion of construction activities | | | |
| <p>MM4.7-2 The Applicant shall design and implement project site drainage features to minimize stormwater runoff and flood waters</p> | Grading and Drainage Plan | Review and approval of | Prior to issuance of a precise | Public Works | | |

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
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| <p>from entering into underground parking structures or otherwise contribute to flood hazards and shall incorporate flood-proofing and hydrostatic pressure measures for all below-ground structures.</p> <p>Prior to receiving a precise grading permit, the Applicant shall prepare a site Grading and Drainage Plan identifying design elements to minimize underground structure flooding. The Grading and Drainage plan shall implement design features to minimize flooding of under ground structures such as, but not limited to:</p> <ul style="list-style-type: none"> ■ Grade areas to drain away from the structure entryways. ■ Implement overflow prevention (e.g., berms or dikes, grated inlets, or a combination, thereof) to direct project site runoff and flood flows away from underground structure entryways. ■ Elevate underground structure entryways to two-feet above the existing grade (approximate depth of potential flooding from the East Garden Grove-Wintersburg Channel). ■ Implement sumps and pumps within the underground structures to remove any runoff entering the underground structures (this measure shall also be subject to WQMP and DAMP BMP requirements for discharge treatment and disposal). ■ Additionally, the Applicant shall incorporate flood-proofing measures to prevent seepage flooding. Underground structures materials and design shall be in accordance with FEMA floodplain development requirements and the 2007 California Building Code for structures subject to flooding and hydrostatic pressures. ■ The geotechnical engineer and/or waterproofing specialist shall prepare design requirements for flood-proofing the underground structures and ensuring that structures are build to withstand hydrostatic pressures. ■ Any utilities located in below grade structures shall be protected from ponding water and seepage in accordance with the geotechnical engineer recommendations and 2007 | | Grading and Drainage Plan | grading permit | | | |

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
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| <p>California Building Code.</p> <p>The Applicant shall also design on-site runoff to drain away from building foundations and shall not allow for more than 8 inches of ponding at any location on-site.</p> | | | | | | |
| <p>CoA4.7-2 Prior to receiving a precise grading or building permit, the Applicant shall prepare a site Grading and Drainage Plan containing the recommendations of the final Soils and Geotechnical Reports analysis for temporary and permanent groundwater dewatering as well as for surface drainage.</p> | Grading and Drainage Plan | Review and approval of Grading and Drainage Plan | Prior to issuance of a precise grading plan | Public Works | | |
| Noise | | | | | | |
| <p>MM4.9-1 The Applicant shall require by contract specifications that the following construction best management practices (BMPs) be implemented by contractors to reduce construction noise levels:</p> <ul style="list-style-type: none"> ■ Notification shall be mailed to owners and occupants of all developed land uses immediately bordering or directly across the street from the project site area providing a schedule for major construction activities that will occur through the duration of the construction period. In addition, the notification will include the identification and contact number for a community liaison and designated construction manager that would be available on site to monitor construction activities. The construction manager will be located at the on-site construction office during construction hours for the duration of all construction activities. Contract information for the community liaison and construction manager will be located at the construction office, City Hall, and the police department ■ Ensure that construction equipment is properly muffled according to industry standards ■ Place noise-generating construction equipment and locate construction staging areas away from sensitive uses, where feasible <p>Implement noise attenuation measures to the extent feasible,</p> | Contract language and notes on grading and building plans | Review and approve contract specifications, grading and building plans for inclusion | Plan check prior to issuance of a grading permit | Planning | | |

Mitigation Monitoring and Reporting Program

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Documentation | Monitoring Activity | Timing | Responsible Monitor | Compliance Verification Signature | Date |
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| which may include, but are not limited to, noise barriers or noise blankets | | | | | | |
| MM4.9-2 The Applicant shall require by contract specifications that construction staging areas, along with the operation of earthmoving equipment within the project site, are located as far away from vibration- and noise-sensitive sites as possible. Contract specifications shall be included in the proposed project construction documents, which shall be reviewed and approved by the City. | Contract language and notes on grading plans | Review and approve grading plans for inclusion | Prior to issuance of a grading permit | Planning | | |
| Public Services | | | | | | |
| MM4.11-1 Radio antenna receivers (BDA's) shall be installed in all underground parking structures in order to allow emergency responders to use their radio systems. | Final building plans | Review and approval of building plans for inclusion | Prior to issuance of a building permit | Planning | | |
| Transportation/Traffic | | | | | | |
| MM4.13-1 At the intersection of I-405 Southbound Ramp at Center Avenue, signal operation shall be changed to provide right turn overlap for westbound right turns (i.e., onto the I-405 southbound on-ramp). This shall include necessary modifications to the traffic signal equipment. If required by the City, the project Applicant shall bond the improvement of the I-405 Southbound Ramp at Center Avenue, so the City may use the payment to either make the improvement at some appropriate time or contribute to the ultimate improvement of this intersection. | Street Improvement Plans Caltrans encroachment permit | Review and approval of Street Improvement Plans Issuance of encroachment permit and completion of work | Prior to Certificate of Occupancy If Caltrans encroachment permit is denied, the impact would remain significant and unavoidable. Denial of permit does not preclude issuance of Certificate of Occupancy. | Public Works Public Works | | |

SOURCE: PBS&J 2008

ATTACHMENT NO. 13

DRAFT EIR AND FINAL EIR NO. 07-004

CAN BE REVIEWED AT:

**DEPARTMENT OF PLANNING
2000 MAIN STREET, HUNTINGTON BEACH
CITY HALL – 3RD FLOOR**

&

ON THE CITY'S WEBSITE:

<http://www.surfcity-hb.org/Government/Departments/Planning/major/Ripcurl.cfm>

Chapter 211 C Commercial Districts

(3285-6/95, 3341-10/96, 3334-6/97, 3482-12/00, 3522-2/02, 3553-5/02, 3568-9/02, 3707-6/05, 3774-9/07)

(Note: Ordinance No. 3774-9/07 is subject to approval by the California Coastal Commission)

Sections:

| | |
|--------|------------------------------------------------|
| 211.02 | Commercial Districts Established |
| 211.04 | CO, CG, and CV Districts: Land Use Controls |
| 211.06 | CO, CG and CV Districts: Development Standards |
| 211.08 | Review of Plans |

211.02 Commercial Districts Established

The purpose of the Commercial districts is to implement the General Plan and Local Coastal Program commercial land use designations. Three (3) commercial zoning districts are established by this chapter as follows: (3334-6/97)

- A. The CO Office Commercial District provides sites for offices for administrative, financial, professional, medical and business needs.
- B. The CG General Commercial District provides opportunities for the full range of retail and service businesses deemed suitable for location in Huntington Beach.
- C. The CV Visitor Commercial District implements the Visitor Serving Commercial land use designation within the coastal zone and provides uses of specific benefit to coastal visitors. More specifically, the CV district provides opportunities for visitor-oriented commercial activities, including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services. (3334-6/97)

211.04 CO, CG, and CV Districts: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in commercial districts.

"L" designates use classifications subject to certain limitations prescribed by the "Additional Provisions" that follow.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

"TU" designates use classifications allowed upon approval of a temporary use permit.

"P/U" for an accessory use means that the use is permitted on the site of a permitted use, but requires a conditional use permit on the site of a conditional use.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

| | | | |
|---------------------------------------------------|-----|---|------------------------------------------------------------|
| | P | = | Permitted |
| CO, CG, and CV Districts Land Use Controls | L | = | Limited (see <u>Additional Provisions</u>) |
| | PC | = | Conditional use permit approved by Planning Commission |
| | ZA | = | Conditional use permit approved by Zoning Administrator |
| | TU | = | Temporary Use Permit |
| | P/U | = | Requires conditional use permit on site of conditional use |
| | - | = | Not Permitted |

| | CO | CG | CV | Additional Provisions |
|---------------------------------------|-----|-----|-----|-------------------------|
| Residential | | | | (J)(Q)(R)(V) |
| Group Residential | PC | PC | PC | (3334-6/97) |
| Multifamily Residential | - | - | PC | (3334-6/97) |
| Public and Semipublic | | | | (J)(Q)(R)(V) |
| Clubs and Lodges | P | P | - | (3334-6/97, 3553-5/02) |
| Community and Human Services | | | | (3334-6/97, 3707-6/05) |
| Drug Abuse Centers | - | PC | - | |
| Primary Health Care | L11 | L11 | - | (3522-2/02) |
| Emergency Kitchens | - | L-2 | - | |
| Emergency Shelters | - | L-2 | - | |
| Residential Alcohol Recovery, General | - | PC | - | |
| Residential Care, General | ZA | ZA | - | (3707-06/05) |
| Convalescent Facilities | ZA | ZA | - | (3707-06/05) |
| Cultural Institutions | PC | PC | PC | |
| Day Care, General | L-3 | L-3 | - | (3707-06/05) |
| Day Care, Large-Family | P | P | - | (Y) (3522-2/02) |
| Emergency Health Care | L-2 | L-2 | - | (3334-6/97) |
| Government Offices | P | P | PC | (3334-6/97) |
| Heliports | PC | PC | PC | (B) |
| Hospitals | PC | PC | - | (3334-6/97) |
| Park & Recreation Facilities | L-9 | L-9 | L-9 | |
| Public Safety Facilities | PC | PC | PC | |
| Religious Assembly | ZA | ZA | - | (3522-2/02) (3522-2/02) |
| Schools, Public or Private | PC | PC | - | |
| Utilities, Major | PC | PC | PC | |
| Utilities, Minor | P | P | P | (L) |

| | | | |
|-------------------------------------------------------------------|-----|---|------------------------------------------------------------|
| | P | = | Permitted |
| CO, CG, and CV Districts Land Use Controls | L | = | Limited (see <u>Additional Provisions</u>) |
| | PC | = | Conditional use permit approved by Planning Commission |
| | ZA | = | Conditional use permit approved by Zoning Administrator |
| | TU | = | Temporary Use Permit |
| | P/U | = | Requires conditional use permit on site of conditional use |
| | - | = | Not Permitted |

| | CO | CG | CV | Additional Provisions |
|-----------------------------------------|------|------|------|-------------------------------------------|
| Commercial Uses | | | | (J)(Q)(R) (3341-0/96) |
| Ambulance Services | - | ZA | - | |
| Animal Sales & Services | | | | |
| Animal Boarding | - | ZA | - | (3522-2/02) |
| Animal Grooming | - | P | - | |
| Animal Hospitals | - | ZA | - | (3522-2/02) |
| Animals: Retail Sales | - | P | - | |
| Equestrian Centers (CG Zone) | - | PC | - | (S) (3707-6/05) |
| Pet Cemetery | - | PC | - | |
| Artists' Studios | P | P | P | |
| Banks and Savings & Loans | P | P | P | |
| With Drive-Up Service | P | P | P | (3522-2/02) |
| Building Materials and Services | - | P | - | |
| Catering Services | P | P | P | |
| Commercial Filming | P | P | P | (F) |
| Commercial Recreation and Entertainment | - | PC | PC | (D) |
| Communication Facilities | L-13 | L-13 | L-13 | (3568-9/02) |
| Eating and Drinking Estab. | L-4 | L-4 | L-4 | (3522-2/02, 3707-6/05) |
| W/Alcohol | ZA | ZA | ZA | (N)(Y) (3522-2/02) |
| W/Drive Through | - | P | P | (3522-2/02, 3707-6/05) |
| W/Live Entertainment | ZA | ZA | ZA | (W)(Y) (3522-2/02) |
| W/Dancing | PC | PC | PC | (H) |
| W/Outdoor Dining | ZA | ZA | ZA | (X)(Y) (3522-2/02) |
| Food & Beverage Sales | - | P | L-2 | |
| W/Alcoholic Beverage Sales | - | ZA | ZA | (N) |
| Funeral & Internment Services | - | ZA | - | |
| Laboratories | L-1 | L-1 | - | |
| Maintenance & Repair Services | - | P | - | |
| Marine Sales and Services | - | P | P | |
| Nurseries | - | ZA | - | |
| Offices, Business & Professional | P | P | P | (3334-6/97) |
| Pawn Shops | - | ZA | - | |
| Personal Enrichment Services | L-10 | L-10 | - | (Y) (3522-2/02) |
| Personal Services | P | P | P | |
| Research & Development Services | L-1 | ZA | - | |
| Retail Sales | - | P | P | (U)(V) (3285-6/95, 3334-6/97, 3482-12/00) |
| Secondhand Appliances/Clothing | - | P | - | |
| Swap Meets, Indoor/Flea Markets | - | PC | - | (T) |
| Swap Meets, Recurring | - | ZA | - | |
| Tattoo Establishments | - | PC | - | |
| Travel Services | P | P | P | |

| | | | |
|---------------------------------|-----|---|------------------------------------------------------------|
| | P | = | Permitted |
| CO, CG, and CV Districts | L | = | Limited (see <u>Additional Provisions</u>) |
| Land Use Controls | PC | = | Conditional use permit approved by Planning Commission |
| | ZA | = | Conditional use permit approved by Zoning Administrator |
| | TU | = | Temporary Use Permit |
| | P/U | = | Requires conditional use permit on site of conditional use |
| | - | = | Not Permitted |

| | CO | CG | CV | Additional Provisions |
|-----------------------------------------------|-----|-----|-----|------------------------------------------------------------------------------------------|
| Vehicle Equipment/Sales & Services | | | | |
| Automobile Rentals | - | L-8 | L-8 | L-12 |
| Automobile Washing | - | ZA | - | (3707-6/05) |
| Commercial Parking | - | ZA | ZA | (P) (3707-6/05) |
| Service Stations | - | PC | PC | (E) |
| Vehicle Equip. Repair | - | L-5 | - | |
| Vehicle Equip. Sales & Rentals | ZA | ZA | - | L-12 (3522-2/02) |
| Vehicle Storage | - | ZA | - | (3707-6/05) |
| Visitor Accommodations | | | | |
| Bed & Breakfast Inns | PC | PC | PC | (K) (3707-6/05, 3774-9/07 subject to approval by the CA Coastal Commission) |
| Hotels, Motels | - | PC | PC | (I) (3334-6/97, 3707-6/05, 3774-9/07 - subject to approval by the CA Coastal Commission) |
| Condominium – Hotel | - | - | PC | (Z) (3774-9/07, 3707-9/07 subject to approval by the CA Coastal Commission) |
| Fractional Ownership Hotel | | | | (3774-9/07 - subject to approval by the CA Coastal Commission) |
| Quasi Residential | | | | |
| Timeshares | - | PC | - | (I)(J) (3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission) |
| Residential Hotel | - | PC | - | (J) (3334-6/97, 3774-9/07 subject to approval by the CA Coastal Commission) |
| Single Room Occupancy | - | PC | - | (3774-9/07, 3774-9/07 subject to approval by the CA Coastal Commission) |
| Industrial | | | | |
| Industry, Custom | - | L-6 | L-6 | (J)(Q)(R)(V) (3334-6/97) |
| Accessory Uses | | | | |
| Accessory Uses & Structures | P/U | P/U | P/U | (J)(V) (3334-6/97) |
| Temporary Uses | | | | (F)(J)(V) (3334-6/97) |

| | | | | | |
|------------------------------------|----|----|----|-----|------------------------|
| Animal Shows | - | TU | - | | |
| Circus and Carnivals and Festivals | - | TU | - | | (3522-2/02) |
| Commercial Filming, Limited | - | P | P | (M) | |
| Real Estate Sales | P | P | P | | (3522-2/02, 3707-6/05) |
| Retail Sales, Outdoor | - | TU | TU | (M) | (3522-2/02) |
| Seasonal Sales | TU | TU | TU | (M) | (3522-2/02) |
| Tent Event | - | P | - | | (3522-2/02, 3707-6/05) |
| Trade Fairs | - | P | - | | (3707-6/05) |

Nonconforming Uses

(G)(J)(V)

(3334-6/97)

(Rest of page not used)

CO, CG, and CV Districts: Additional Provisions

- L-1 Permitted if the space is 5,000 square feet or less; allowed with Neighborhood Notification pursuant to Chapter 241 if the laboratory space exceeds 5,000 square feet. (3707-6/05)
- L-2 Allowed with a conditional use permit from the Zoning Administrator if the space is 5,000 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 5,000 square feet. (3707-6/05)
- L-3 Allowed with a conditional use permit from the Zoning Administrator if the space is 2,500 square feet or less; allowed with a conditional use permit from the Planning Commission if the space exceeds 2,500 square feet. (3334-6/97, 3707-6/05)
- L-4 Permitted if greater than 300 feet from residential zone or use; if 300 feet or less from residential zone or use neighborhood notification is required pursuant to Chapter 241. (3522-2/02, 3707-6/05)
- L-5 Only "limited" facilities are allowed subject to approval of a conditional use permit from the Zoning Administrator, and body and fender shops are permitted only as part of a comprehensive automobile-service complex operated by a new vehicle dealer.
- L-6 Only "small-scale" facilities, as described in Use Classifications, are permitted with a maximum 7 persons employed full time in processing or treating retail products, limited to those sold on the premises. (3522-2/02)
- L-7 Repealed. (3707-6/05)
- L-8 On-site storage limited to two rental cars or two cars for lease. (3707-6/05)
- L-9 Public facilities permitted, but a conditional use permit from the Zoning Administrator is required for commercial facilities.
- L-10 Permitted if the space is 5,000 square feet or less; allowed with conditional use permit approval from the Zoning Administrator if space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)
- In addition, Personal Enrichment uses within a retail building parked at a ratio of one (1) space per 200 square feet, shall require no additional parking provided the use complies with the following: (3522-2/02)
- Maximum number of persons per classroom does not exceed the number of parking spaces allocated to the suite based upon the square footage of the building; and (3522-2/02)
 - The instruction area does not exceed 75 percent of total floor area of the personal enrichment building area. (3522-2/02)
- L-11 Permitted if the space is 5,000 square feet or less; allowed with a conditional use permit from the Zoning Administrator if the space exceeds 5,000 square feet. (3522-2/02, 3707-6/05)

- L-12 Permitted for existing facilities proposing to expand up to 20% of existing floor area or display area. (3522-2/02, 3707-6/05)
- L-13 For wireless communication facilities see Section 230.96 Wireless Communication Facilities. All other communication facilities permitted. (3568-9/02)
- (A) Reserved. (3553-5/02)
- (B) See Section 230.40: Helicopter Takeoff and Landing Areas.
- (C) Repealed (3378-2/98)
- (D) See Section 230.38: Game Centers; Chapter 5.28: Dance Halls; Chapter 9.24: Card Rooms; Chapter 9.32: Poolrooms and Billiards; and Chapter 9.28: Pinball Machines.
- (E) See Section 230.32: Service Stations.
- (F) See Section 241.20: Temporary Use Permits
- (G) See Chapter 236: Nonconforming Uses and Structures.
- (H) For teen dancing facilities, bicycle racks or a special bicycle parking area shall be provided. These may not obstruct either the public sidewalk or the building entry. See also Chapter 5.28: Dancing Halls; Chapter 5.44: Restaurants - Amusement and Entertainment Premises, and Chapter 5.70: Adult Entertainment Businesses. (3341-10/96)
- (I) Only permitted on a major arterial street, and a passive or active outdoor recreational amenity shall be provided. (3707-6/05)
- (J) In the CV District the entire ground floor area and at least one-third of the total floor area shall be devoted to visitor-oriented uses as described in the certified Local Coastal Program Land Use Plan. Any use other than visitor serving commercial shall be located above the ground level, and a conditional use permit from the Planning Commission or the Zoning Administrator is required. Any use other than visitor serving commercial uses shall only be permitted if visitor serving uses are either provided prior to the other use or assured by deed restriction as part of the development. No office or residential uses shall be permitted in any visitor serving designation seaward of Pacific Coast Highway. (3334-6/97, 3707-6/05)
- (K) See Section 230.42: Bed and Breakfast Inns.
- (L) See Section 230.44: Recycling Operations.
- (M) Subject to approval by the Police Department, Public Works Department, Fire Department and the Director. See also Section 230.86 Seasonal Sales.
- (N) The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process:

- (1) Retail markets with no more than 10 percent of the floor area devoted to sales, display, and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel. (3522-2/02)
- (2) Restaurants, Bars-and Liquor stores located 300 feet or more from any R or PS district, public or private school, church, or public use. (3522-2/02)
- (3) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.
- (O) See Section 230.46: Single Room Occupancy.
- (P) See Chapter 231 for temporary and seasonal parking.
- (Q) Development of vacant land or additions of 10,000 square feet or more in floor area; or additions equal to or greater than 50% of the existing building's floor area; or additions to buildings on sites located within 300 feet of a residential zone or use for a permitted use requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed addition to the Zoning Administrator if the proposed addition has the potential to impact residents or tenants in the vicinity (e.g., increased noise, traffic). (3522-2/02)
- (R) Projects within 500 feet of a PS District see Chapter 244.
- (S) See Section 230.48: Equestrian Centers
- (T) See Section 230.50: Indoor Swap Meets/Flea Markets
- (U) See Section 230.94: Carts and Kiosks (3248-6/95, 3334-6/97, 3482-12/00)
- (V) In the coastal zone, the preferred retail sales uses are those identified in the Visitor Serving Commercial land use designation which provide opportunities for visitor-oriented commercial activities including specialty and beach related retail shops, restaurants, hotels, motels, theaters, museums, and related services.
- (W) Non-amplified live entertainment greater than 300 feet from a residential zone or use shall be permitted without a conditional use permit. (3522-2/02)
- (X) Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted without a conditional use permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241. (3522-2/02, 3707-6/05)
- (Y) Neighborhood Notification requirements pursuant to Chapter 241. (3522-2/02, 3707-6/05)
- (Z) In the CV District, Condominium-Hotels and/or Fractional Interest Hotels are allowed only at the Pacific City (Downtown Specific Plan District 7) and Waterfront (Downtown Specific Plan District 9) sites. Refer to Downtown Specific Plan. (3774-9/07 subject to approval by the CA Coastal Commission)

211.06**CO, CG and CV Districts: Development Standards**

The following schedule prescribes development standards for the CO, CG and CV districts. The first three columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Requirements" column refer to standards following the schedule or located elsewhere in the zoning ordinance. In calculating the maximum gross floor area as defined in Chapter 203, the floor area ratio is calculated on the basis of net site area. Fractional numbers shall be rounded down to the nearest whole number. All required setbacks shall be measured from ultimate right-of-way and in accordance with definitions set forth in Chapter 203, Definitions.

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**CO, CG and CV DISTRICTS
DEVELOPMENT STANDARDS**

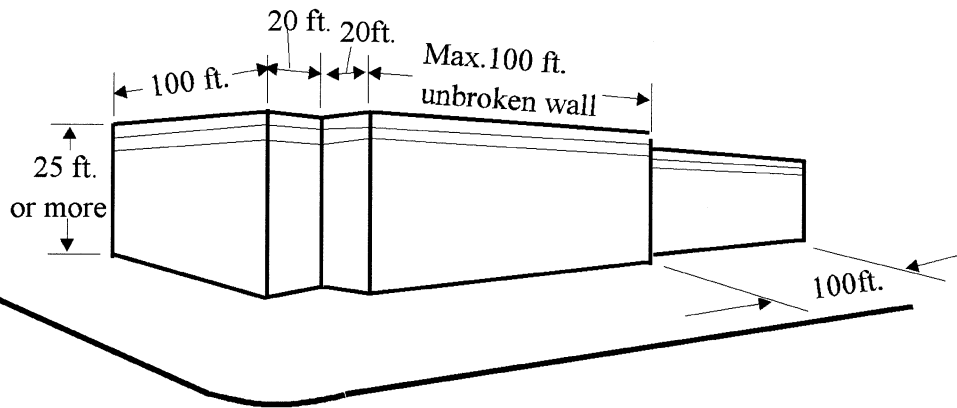
| | CO | CG | CV | Additional Requirements |
|------------------------------------|--------|--------------------|--------|-------------------------|
| Residential Development | | | | (A)(B) |
| Nonresidential Development | | | | (B) |
| Minimum Lot Area (sq. ft.) | 10,000 | 10,000 | 10,000 | (C) |
| Minimum Lot Width (ft.) | 100 | 100 | 100 | |
| Minimum Setbacks | | | | |
| Front (ft.) | 10 | 10 | 0 | (D)(E)(O) (3707-6/05) |
| Side (ft.) | 5 | 0 | 0 | (F) (3707-6/05) |
| Street Side (ft.) | 10 | 10 | 0 | (E) (3707-6/05) |
| Rear (ft.) | 5 | 0 | 0 | (F) (3707-6/05) |
| Maximum Height of Structures (ft.) | 40 | 50 | 50 | (F)(G) |
| Maximum Wall Dimensions | | | | (N) |
| Maximum Floor Area Ratio (FAR) | 1.0 | 1.5 | 1.5 | |
| Minimum Site Landscaping (%) | 8 | 8 | 8 | (H)(I) |
| Building Design Standards | | | | (O) |
| Fences and Walls | | | | (J)(K) |
| Off-Street Parking/Loading | | | | (L) |
| Outdoor Facilities | | See Section 230.74 | | (M) (3707-6/05) |
| Screening of Mechanical Equipment | | See Section 230.76 | | (M) |
| Refuse Storage Areas | | See Section 230.78 | | |
| Underground Utilities | | See Chapter 17.64 | | |
| Performance Standards | | See Section 230.82 | | |
| Nonconforming Structures | | See Chapter 236 | | |
| Signs | | See Chapter 233 | | |

CO, CG, and CV Districts: Additional Development Standards

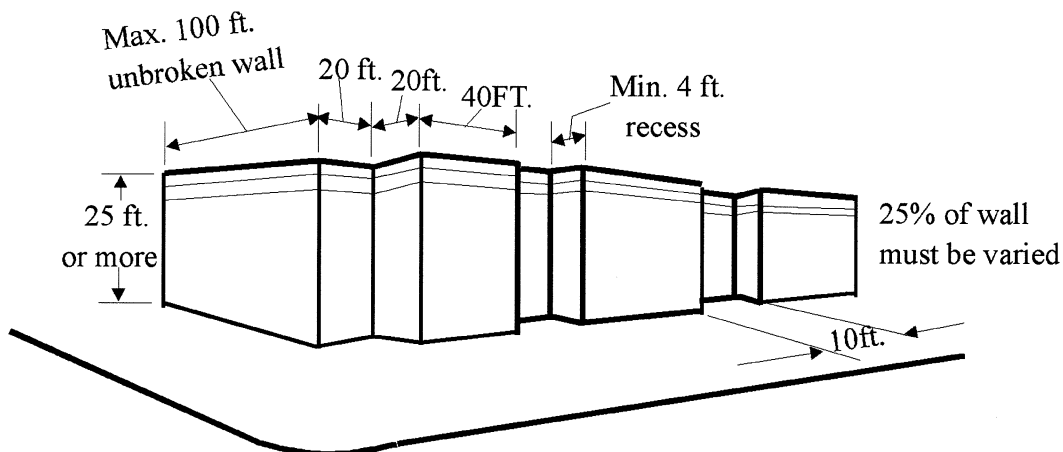
- (A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, open space, balconies and bay windows, and parking for the RMH District. The setback standards shall apply only to the stories of a building that are intended for residential use.
- (B) See Section 230.62: Building Site Required and Section 230.64: Development on Substandard Lots.
- (C) The minimum site area for a hotel or motel is 20,000 square feet.
- (D) See Section 230.68: Building Projections into Yards and Required Open Space. Double-frontage lots shall provide front yards on each frontage.
- (E) A minimum 50-foot setback is required along Beach Boulevard, Pacific Coast Highway and Edinger Avenue or 25-foot setback with the setback area entirely landscaped.

- (F) Along a side or rear property line abutting an R district, a 10-foot setback is required, and structures within 45 feet of the district boundary shall not exceed 18 feet in height.
- (G) See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits.
- (H) Planting Areas:
 - (1) Required front and street side yards shall be planting areas except properties with 50 foot setback shall provide a minimum 10 foot wide planting area along street frontages.
 - (2) Required side and rear yards shall be planting areas or shall be enclosed by a solid concrete or masonry wall at least 6 feet in height.
 - (3) Hotels and Motels. A 15-foot wide landscaped strip shall be provided along all street frontages, except for necessary driveways and walks.
- (I) See Chapter 232: Landscape Improvements.
- (J) See Section 230.88: Fencing and Yards.
- (K) A solid masonry or concrete wall at least 6 feet in height shall adjoin the site of an existing ground-floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3.5 feet in height.
- (L) See Chapter 231: Off-Street Parking and Loading.
- (M) See Section 230.44: Recycling Operations and Section 230.80: Antennae.
- (N) A front or street side wall surface shall be no longer than 100 feet without a break, a recess or offset measuring at least 20 feet in depth and one-quarter of the building length, or a series of offsets, projections or recesses at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet. The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

(Rest of page not used)



Single Horizontal Offsets: 20ft.



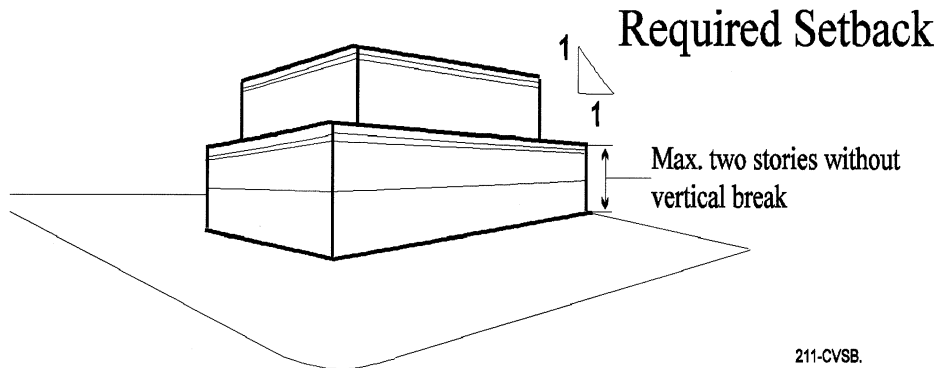
Variable Offsets: 20 ft. and 4 ft.

211-OFFS

MAXIMUM WALL LENGTH AND REQUIRED BREAK

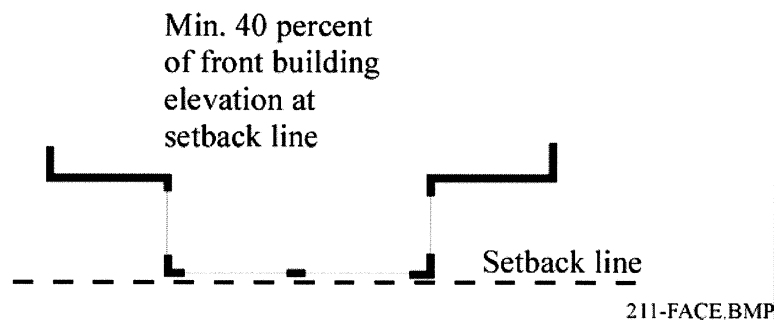
- (O) Two building design standards are established to make commercial areas more attractive and provide a unified streetscape:
 - (1) In the CV District a 10-foot minimum upper-story setback is required above the second story along street frontages. (3707-6/05)

(Rest of page not used)



CV DISTRICT: UPPER-STORY SETBACK

- (2) In the CO and CV Districts, and on frontages adjacent to major or primary arterials in the CG District at least 40 percent of a building surface may be located at the minimum setback line if additional landscaping is provided on the site.



BUILDING FACE AT SETBACK LINE

211.08 Review of Plans

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows: (3522-2/02)

- A. Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- B. Design Review Board. Projects within redevelopment project areas and areas subject to specific plans; projects within 500 feet of a PS District; see Chapter 244.
- C. Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- D. Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.

DRAFT ORDINANCE—ZTA NO. 07-004

(STAFF RECOMMENDATION)

Chapter 218 Mixed Use-Transit Center District

Sections:

| | |
|--------|-----------------------------------------------|
| 218.02 | Mixed Use-Transit Center District Established |
| 218.04 | MU-TCD District: Land Use Controls |
| 218.06 | MU-TCD District: Development Standards |
| 218.08 | Modifications for Affordable Housing |
| 218.10 | Sustainable Development |
| 218.12 | Review of Plans |

218.02 Mixed Use-Transit Center District Established

The purpose of the Mixed Use-Transit Center District is to implement the General Plan Land Use Plan mixed-use land use designation. This district provides areas for high density residential and commercial uses within one-quarter mile of established transit centers as determined by the Planning Director. Transit centers, serving buses or other modes of transportation, are facilities where passengers transfer from one route to another. This district provides for pedestrian-friendly, transit oriented development in areas adjacent to existing transit infrastructure.

218.04 MU-TCD District: Land Use Controls

In the following schedules, letter designations are used as follows:

"P" designates use classifications permitted in MU-TCD district.

"PC" designates use classifications permitted on approval of a conditional use permit by the Planning Commission.

"ZA" designates use classifications permitted on approval of a conditional use permit by the Zoning Administrator.

Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Provisions" column refer to provisions following the schedule or located elsewhere in the Zoning Ordinance. Where letters in parentheses are opposite a use classification heading, referenced provisions shall apply to all use classifications under the heading.

**MU-TCD DISTRICT:
LAND USE CONTROLS**

P=Permitted
PC=Conditional Use Permit approved by Planning Commission
ZA=Conditional Use Permit approved by Zoning Administrator

| | Land Use Controls | Additional Provisions |
|------------------------------------|--------------------------|------------------------------|
| Residential Uses | | (A)(I) |
| Multi-family Residential | PC | |
| Public and Semipublic Uses | | (A) |
| Clubs and Lodges | ZA | |
| Day Care, General | ZA | |
| Day Care, Large Family | P | (C) |
| Government Offices | P | |
| Public Safety Facilities | P | |
| Religious Assembly | ZA | |
| Schools, Public or Private | PC | |
| Commercial Uses | | (A)(H)(I) |
| Artists' Studios | P | |
| Banks and Savings & Loans | P | |
| Catering Services | P | |
| Drug Stores/Pharmacy | P | |
| Eating and Drinking Establishments | P | |
| w/ Alcohol | ZA | (B)(C) |
| w/ Live Entertainment | ZA | |
| w/ Dancing | PC | (D) |
| w/ Outdoor Dining | ZA | (C)(E) |
| Food and Beverage Sales | P | |
| w/ Alcohol Beverage Sales | ZA | (B) |
| Office, Business and Professional | P | |
| Park and Recreational Facilities | P | |
| Parking | PC | (F) |
| Personal Enrichment Services | P | (C) |
| Personal Services | P | |
| Retail Sales | P | (G) |
| Visitor Accommodations | PC | |

MU-TCD District: Additional Provisions

(A) – All projects in this District shall have both residential and non-residential components. At least 50 percent of the building fronting public streets at the ground level shall be non-residential uses. At least 50 percent of the project shall be residential uses.

(B) – The following businesses proposing to sell alcoholic beverages for on-site or off-site consumption are exempt from the conditional use permit process: (i) Retail markets with no more than 10 percent of the floor area devoted to sales, display and storage of alcoholic beverages provided the sale of alcoholic beverages is not in conjunction with the sale of gasoline or other motor vehicle fuel; (ii) Florist shops offering the sale of a bottle of an alcoholic beverage together with a floral arrangement.

(C) – Neighborhood notification requirements pursuant to Chapter 241.

(D) – See also Chapter 5.28: Dancing Halls and Chapter 5.44: Restaurants – Amusement and Entertainment Premises.

(E) – Outdoor dining with alcohol sales shall be permitted with a conditional use permit to the Zoning Administrator. Outdoor dining without alcohol sales that is 400 square feet or less shall be permitted with an administrative permit. If over 400 square feet with no alcohol sales, Neighborhood Notification shall be required pursuant to Chapter 241.

(F) – Stand-alone or other permanent parking structures not ancillary to the permitted uses listed above. Must demonstrate necessity of use and comply with the requirements in Section 231.18-G (Parking Structures).

(G) – See Section 230.94: Carts and Kiosks

(H) – Development of vacant land or additions of 10,000 square feet or more in building floor area; or additions equal to or greater than 50% of the existing building's floor area requires approval of a conditional use permit from the Zoning Administrator. The Planning Director may refer any proposed project to the Zoning Administrator if the proposed project has the potential to impact residents or tenants in the vicinity (e.g. increased noise, traffic).

(I) – Projects within 500 feet of a PS District see Chapter 244.

218.06 MU-TCD District: Property Development Standards

The following schedule prescribes development standards for MU-TCD zoning district designated on the zoning map. The first column establishes the basic requirements for permitted and conditional uses. Letters in parentheses in the "Additional Provisions" column refer to "Additional Development Standards" following the schedule.

The floor area ratio is calculated on the basis of net site area. All required setbacks shall be measured from ultimate right-of-way and in accordance with the definitions set forth in Chapter 203, Definitions.

Property Development Standards for MU-TCD District

| | MU-TCD | Additional Requirements |
|----------------------------------------------|--------------------|-------------------------|
| Minimum Lot Area (sq. ft.) | 43,560 | |
| Minimum Lot Width (ft.) | 100 | |
| Minimum Setbacks | | |
| Front (ft.) | 5 | (A)(B) |
| Side (ft.) | 10 | (B) |
| Rear (ft.) | 10 | (B) |
| Maximum Height of Structures (ft.) | 80 | (C) |
| Maximum Wall Dimensions | | (D) |
| Maximum Floor Area Ratio (FAR) | 2.5 | |
| Minimum Site Landscaping (%) | 8 | (E)(F) |
| Minimum Lot Area per Dwelling Unit (sq. ft.) | - | |
| Minimum Residential Floor Area | | (I) |
| Maximum Lot Coverage (%) | 75 | |
| Minimum Open Space | | (J) |
| Accessibility within Dwellings | | (K) |
| Lighting | | (L) |
| Fences and Walls | | (G) |
| Off-Street Parking and Loading | See Chapter 231 | (H) |
| Outdoor Facilities | See Section 230.74 | |
| Screening of Mechanical Equipment | See Section 230.76 | |
| Antenna | See Section 230.80 | (M) |
| Accessory Structures | See Chapter 230.08 | |
| Refuse Storage Areas | See Section 230.78 | |
| Underground Utilities | See Chapter 17.64 | |
| Performance Standards | See Section 230.82 | |
| Nonconforming Structures | See Chapter 236 | |
| Signs | See Chapter 233 | (N) |
| Building Separations | | (O) |
| Building Design Standards | | (P) |
| Private Storage Space | | (Q) |

MU-TCD District: Additional Development Standards

- (A) Multiple street frontage lots shall provide front yards on each frontage.
- (B) Projections into Setbacks
 - (1) See Section 230.68: Building Projections into Yards.
 - (2) Balconies and bay windows may project into required setbacks and usable open space areas subject to Section 230.68, provided that balconies have open railings, glass, or architectural details with openings to reduce visible bulk.

Balconies composed solely of solid enclosures are not allowed to project into required setbacks.

- (3) Awnings, canopies, covered walkways, covered patios, and uncovered arcades with no programmed indoor space may project into required setbacks and usable open space areas provided that a minimum 5 ft. setback is maintained to the property line.

- (C) Height Requirements. See Section 230.70: Measurement of Height and Section 230.72: Exceptions to Height Limits. A minimum of two stories and a maximum of six stories shall be allowed.

- (D) Maximum Wall Dimensions. All building wall surfaces shall be no longer than 250 feet without either:

- (1) a break, a recess or offset measuring at least 10 feet that vary the depth of the building wall by a minimum of 4 feet, or
- (2) a series of offsets, projections or recesses, including balconies, at intervals of not more than 40 feet that vary the depth of the building wall by a minimum of 4 feet.

The Director may grant exceptions or allow these standards to be modified for exceptional or unique structures subject to Design Review, Chapter 244.

- (E) Planting Areas: With the exception of sidewalks, driveways, pathways and paved outdoor seating areas, required front and street side yards shall be planting areas.

- (F) Landscape Improvements

- (1) All landscape improvements shall comply with Chapter 232 unless otherwise provided herein.
- (2) General Tree Requirements. One 36-inch box tree shall be provided for every 45 lineal feet of street frontage planted within the setback areas adjacent to a street. In addition, there shall be one 36-inch box tree planted within the common open space areas for each ground or first level unit. Specimen palms may be substituted at a ratio of 1/2 foot brown trunk height for one inch of box tree inch required.

- (G) See Section 230.88: Fencing and Yards.

- (H) Off-Street Parking and Loading Provisions.

- (1) All off-street parking and loading provisions shall comply with Chapter 231 unless otherwise provided herein. Off-street parking spaces shall be provided in accordance with the following Schedule A:

OFF-STREET PARKING SPACES REQUIRED IN MU-TCD ZONE: SCHEDULE A

| Use Classification | Spaces |
|-------------------------------|---------------------|
| Residential | |
| Studio | 1 space per unit |
| one bedroom | 1 space per unit |
| two bedrooms | 2 spaces per unit |
| three or more bedrooms | 2.5 spaces per unit |
| Guests | 1 space per 4 units |
| Commercial | Per Chapter 231 |
| Public and Semi-Public | Per Chapter 231 |

- (I) Minimum Floor Area. Each dwelling unit in a mixed-use building shall have the minimum floor area of 450 square feet.
- (J) Open Space Requirements.
- (1) The minimum open space area (private and common) for mixed-use projects in the MU-TCD District shall be 150 square feet per residential unit. For purposes of this subsection, open space shall mean an area which is designed and intended to be used for active or passive recreation. Open space may consist of private and/or common areas. Parking areas, access aisles, and driveways shall not qualify as usable open space.
- (2) Private Open Space.
- (a) Private open space shall be provided in courts or balconies within which a horizontal rectangle has no dimension less than 6 feet.
- (b) Each dwelling unit shall be provided a minimum of 60 square feet of private open space.
- (c) Private open space shall be contiguous to the unit and for the exclusive use of the occupants. Private open space shall not be accessible to any dwelling unit except the unit it serves and shall be physically separated from common areas by a wall or hedge at least 42 inches in height.
- (3) Common Open Space.
- (a) Common open space, provided by interior side yards, patios, courts, and terraces, shall be designed so that no dimension is less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.
- (b) Projects with more than 20 units shall include at least one amenity, such as a clubhouse, swimming pool, tennis court, volleyball court, outdoor cooking facility, or other recreation facility. Such common amenity spaces shall count toward the common open space requirement.
- (K) All habitable rooms in a dwelling unit shall be accessible from within the dwelling.
- (L) Lighting. Lighting shall be provided in all projects along all vehicular access ways and major walkways. Lighting shall be directed onto the driveways and walkways within the development and away from adjacent properties. A lighting plan shall be submitted for approval by the Director.

- (M) See Section 230.88: Antennae.
- (N) See Chapter 233, Signs—Commercial Districts, for applicable provisions related to signs in the commercial component of the MU-TCD District.
- (O) Building Separations. Building separations shall be provided in all mixed-use projects in the MU-TCD District subject to the following requirements:
 - (1) The minimum building separation shall be not less than 20 feet opposite a window in a living room and 14 feet opposite a window for any other habitable room.
 - (2) The building separation shall be open to the sky. Eaves may project a maximum 2 feet into this area on each side.
- (P) Building Design Standards. Buildings in the MU-TCD District shall be built in accordance with the following requirements:
 - (1) The maximum building length shall be 300 feet except as provided below. Building length is defined as the total length of a primary building mass lining a street.
 - (a) A 20 foot inset of the building plane with pedestrian access may count as a break in the building length. If the inset varies by floor, then the average inset shall exceed 20 feet.
 - (2) The maximum block size shall be 2,400 feet. Block size is a measure of the total length of the street-fronting property lines along all block faces enclosed within the nearest surrounding publicly accessible streets.
- (Q) Private Storage Space. A minimum of 50 cubic feet of private storage space shall be provided for each residential dwelling unit outside such unit. Such private storage space shall be fully enclosed and lockable.

218.08 Modifications for Affordable Housing

The Planning Commission may approve a conditional use permit modifying the minimum property development standards in this chapter for affordable housing, as provided in Section 230.14. The proposed modifications shall be requested in writing by the applicant, accompanied by a detailed pro-forma, rental guidelines, deed restrictions, financial subsidies, and other types of documentation which will serve to demonstrate the need for a reduction of development standards. Modifications to the standards may include, but are not limited to, the parking requirements and open space. The specific standard(s) from which the applicant is requesting relief shall be identified and alternative development standard(s) proposed.

218.10 Sustainable Development

Sustainable or “green” building practices shall be incorporated into the design of the proposed structures and associated site improvements. Sustainable building practices shall include (but are not limited to) those recommended by the U.S. Green Building Council’s Leadership in

Energy and Environmental Design (LEED) Program certification or Build It Green's Green Building Guidelines and Rating Systems.

218.12 Review of Plans

All applications for new construction, initial establishment of use, exterior alterations and additions shall be submitted to the Planning Department for review. Discretionary review shall be required as follows:

- (A) Zoning Administrator Review. Projects requiring a conditional use permit from the Zoning Administrator; projects on substandard lots; see Chapter 241.
- (B) Design Review Board. See Chapter 244.
- (C) Planning Commission. Projects requiring a conditional use permit from the Planning Commission; see Chapter 241.
- (D) Projects in the Coastal Zone. A Coastal Development Permit is required unless the project is exempt; see Chapter 245.